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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-37459-2023(O&M)
Date of Decision: 08.08.2023

Dinesh Rathi

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Himmat Singh Deol, Advocate, for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

1. The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in FIR No.264 dated 26.12.2021, under Sections 15, 16 and 15 (IV) of Petroleum and Mineral Pipeline (Acquisition of Rights of user in L.D) Act, 1962, Sections 3 and 4 of Explosive Substance Act, Sections 379, 413, 34, 117, 411, 420, 467, 468, 471, 120-B IPC and Sections 3 & 4 of PDPP Act, registered at Police Station Rampura, District Rewari.

2. Learned counsel for the petitioner has submitted that the petitioner is in custody for 1 year and he is at parity with the other co-accused who have been extended the benefit of regular bail by this Court vide Annexure P-2 to P-7. He submitted that the investigation of the case has already been completed and thereafter challan has been presented before the competent Court. He further submitted that the present FIR was got lodged against

unknown persons by making an allegation of theft of oil from the pipeline belonging to the Hindustan Petroleum. He further submitted that earlier he was involved in one more FIR of similar nature and after the lodging of the present FIR, three more FIRs pertaining to similar allegations were registered against him. He further submitted that all the other co-accused have been extended the benefit of regular bail by this Court vide Annexure P-2 to P-7 and now the investigation of the case has been completed and therefore, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Ms. Harpreet Kaur, AAG, Haryana has submitted that it is correct that the petitioner is in custody for 1 year and the other co-accused have been extended the benefit of regular bail by this Court vide Annexure P-2 to P-7 and the petitioner is exactly at parity with the aforesaid co-accused.

4. I have heard the learned counsel for the parties.

5. It is a case where the petitioner has already faced incarceration for 1 year and the other co-accused have already been extended the benefit of regular bail by this Court vide Annexure P-2 to P-7 and as per the learned counsel for the parties, the petitioner is exactly at parity with the aforesaid co-accused.

6. In view of the aforesaid facts and circumstances, this Court deems it fit and proper to grant regular bail to the petitioner.

7. Consequently, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

8. However, anything observed hereinabove shall not be treated as

an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

08.08.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No