

231

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50488-2023 (O&M)
Date of decision: 14.11.2023

BINDER @ VIRENDER

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present:- Ms. Kamaldeep Kaur, Advocate for
Mr. Gurbir Singh Sandhu, 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 the grant of regular bail to the petitioner in FIR No.264 dated 26.12.2021, under Sections 15, 16 and 15 (IV) of the 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 of the IPC and Sections 3 and 4 of PDPP Act, 1994, registered at Police Station Rampura, District Rewari, Haryana.

2. Learned counsel appearing on behalf of the petitioner submitted that the petitioner is in custody for more than 1 year and 9 months and the investigation of the case has been completed by the police and thereafter, challan has also been presented before the competent Court. She further

submitted that in the present case, the FIR was lodged against unknown persons with the allegations of committing of theft of oil from the pipeline belonging to Hindustan Petroleum. She also submitted that there is no further recovery which is to be effected from the petitioner and in fact the petitioner has been falsely implicated in the present case. She further submitted that many of the other co-accused, namely, Mukesh Kumar, Deshraj alias Deshu, Gopal Krishan, Dinesh Rathi, Indraj, Nakul Bedi and Pawan have already been extended the benefit of regular bail by this Court and also by a Coordinate Bench of this Court. She further submitted that so far as the present petitioner is concerned, he is exactly at parity with the aforesaid co-accused and therefore, he may be considered for the grant of regular bail since the trial of the case may take long time to conclude.

3. On the other hand, Ms. Harpreet Kaur, AAG, Haryana submitted that it is correct that the petitioner is in custody more than 1 year and 9 months and investigation of the case has been completed and challan has also been presented before the competent Court. The parity of the petitioner with the aforesaid co-accused, who have already been granted the benefit of regular bail by this Court and also by a Coordinate Bench of this Court has not been disputed by the learned State counsel but she submitted that the petitioner is involved in 12 more cases of theft.

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

5. The petitioner is in custody for more than 1 year and 9 months and he is stated to be exactly at parity with the aforesaid co-accused, who have already been extended the benefit of regular bail by this Court and also by a

Coordinate Bench of this Court. Furthermore, it is not the case of the learned State counsel that in case the petitioner is released on bail, then he may influence any witness or may tamper with evidence or may flee from justice.

6. Therefore, considering the aforesaid totality and circumstances of the present case, 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, if not required in any other case, subject to furnishing bail bonds/surety bonds 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 the merits of the case and is meant for the purpose of deciding the present petition only.

14.11.2023
Chetan Thakur

(JASGURPREET SINGH PURI)
JUDGE

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