

211 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-52774-2023

Date of Decision: 01.12.2023

Aabid

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat**Present :** Mr.Tarun Sharma, Advocate
for the petitioner.

Mr. Gaurav Gurcharan Singh Rai, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.1045 dated 17.12.2022 registered under Sections 3, 4 of Explosiv Substances Act, 1908; Sections 285, 379 of IPC; Section 15 of Petroleum and Mineral Pipe Lines (Acquisition of Right of User in Hand), Act, 1962; Sections 3 and 4 of Prevention of Damage to Public Property Act, 1984 and later on added Sections 120-B, 201, 411, 420, 427, 473, 467, 468 and 471 of IPC, at Police Station Shahbad, District Kurukshetra.

2. As per the case of the prosecution, the FIR in the present case was registered on the basis of the complaint moved by Assistant Manager, IOCL, NRPL, Ambala to the police. As per the complainant, the theft of petroleum products of Indian Oil Corporation Limited had taken place from the northern area pipeline from Ambala-Mathura-Jalandhar Pipeline of Chainage

No.202.200 KM. It was alleged that an underground pipeline of IOCL is going from Kurukshetra-Ambala-Jalandhar through which petroleum products flow under high pressure. This pipeline originates at a depth of 1.5 meter to 2.0 meter from Jageer Vihar Colony of Police Station Shahabad. At about 1.40 A.M. to 2.50 a.m. on 14.12.2022, the information regarding the pressure drop was received in IOCL, Ambala Control Room. Further, information about the pressure drop from 7.00 p.m. on 14.12.2022 to 7.00 am on 15.12.2022 was received in the IOCL, Ambala Control Room. After that, DCVG survey was done on the pipeline and as per the survey report, excavation at IOCL, MJPL chainage 202.200 km was going to house adjacent to the pipeline area and through valve fitting, unknown persons had stolen 3000 litres of diesel from 1.40 am to 2.50 am on 14.12.2022 and 10,000 litres from 7.00 p.m. on 14.12.2022 to 7.00 am on 15.12.2022. Even this incident could turn into a major mishap and it was requested that necessary action must be taken against those unknown persons and on the basis of the said, FIR was registered in the present case.

3. Learned counsel for the petitioner submits that the petitioner has been falsely involved in the present case only on the suspicion and the petitioner was not at all involved in the alleged crime. He further contends that the petitioner was not named in the FIR and has been nominated as an accused in the present case on the basis of disclosure statement made by Swaran Singh @ Sawran Singh @ Vikram. Learned counsel has placed reliance on the detailed order dated 09.08.2023 passed in CRM-M-34205-2023, whereby Swaran Singh @ Sawran Singh @ Vikram has been granted the concession of

bail by this Court. Learned counsel submits that the case of the petitioner is on better footing than Swaran Singh @ Sawran Singh @ Vikram. The petitioner is in custody since 30.12.2022 and is not involved in any other case.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner and submits that the petitioner is involved in a very serious crime. Even sufficient incriminating evidence has been found against the present petitioner.

5. I have heard the learned counsel for the parties and perused the record.

6. The petitioner is in custody since 30.12.2022 and no other criminal case has been registered against him. Apart from that, the petitioner was named by Swaran Singh @ Sawran Singh @ Vikram in his disclosure statement and the said accused has been granted the concession of bail by this Court vide order (Annexure P-5).

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

01.12.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

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