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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-57805-2023 (O&M)

Date of Decision: 22.11.2023

Manish Gujjar @ Sund

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Ms. Diksha, Advocate, for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, 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 Section 15 of Petroleum and Mineral Pipeline (Acquisition of Rights of User in L.D), Act, 1962, Sections 3 and 4 of Explosive Substance Act, 1908, Section 379, 34 of IPC, Section 3, 4 of Prevention of Damage to Public Property Act, 1984 (Later on Sections 117, 120-B, 413, 411, 420, 467, 468, 471 IPC and Sections 15(IV), 16 of Petroleum and Mineral Pipe Line Act, 2021 added later on), registered at Police Station Rampura, District Rewari.

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 in fact he is exactly at parity with seven other co-accused who have been

extended the benefit of regular bail by this Court vide Annexure P-2 to P-8. She further submitted that 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 allegation of committing of theft of oil from the pipeline belonging to Hindustan Petroleum. She submitted that although the petitioner is involved in more cases of similar nature but the petitioner was falsely implicated in the other cases as well and even the other co-accused who have been granted bail were involved in number of other similar cases as well. She submitted that on the ground of parity, the petitioner may be considered for the grant of regular bail.

3. On the other hand, Mr. Naveen Kumar Sheoran, DAG, 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. He has not disputed the parity of the petitioner with the other co-accused, who have already been extended the benefit of regular bail by this Court vide Annexure P-2 to P-8.

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

5. The petitioner is in custody for more than 1 year and 9 months. The investigation of the case has already been completed and challan has been presented. The parity of the petitioner with the other co-accused who have been granted regular bail by this Court vide Annexure P-2 and P-8 has not been disputed by the learned State counsel. 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.

22.11.2023

rakesh

(JASGURPREET SINGH PURI)
JUDGE

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