

CRM-M-1964-2024(O&M)

2024:PHHC:090373



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**IN THE HIGH COURT OF PUNJAB & HARYANA AT**  
**CHANDIGARH.**

CRM-M-1964-2024(O&M)

Date of Decision:-18.07.2024

Sunil @ Banda and anr.

.....Petitioners.

Vs.

State of Haryana.

.....Respondent.

**CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. G.S. Sandhu, Advocate for the Petitioners.

Mr. Deepak Grewal, DAG, Haryana.

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**JASJIT SINGH BEDI, J.(ORAL)**

The prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.94 dated 25.03.2021 under Sections 15 of the Petroleum and Mineral Pipeline Act, 1962, Sections 3 and 4 of the Explosive Substances Act, 1908, Section 3 and 4 of the Prevention of Damage to the Public Property Act, 1984 and Sections 379, 34 IPC but later on Sections 413, 411, 117, 120-B IPC and Sections 15/16 Amendment Act, 15(IV) of the Petroleum and Mineral Pipeline Act, 2021, registered at P.S. Bawal, District Rewari.

2. The present FIR came to be registered on the basis of a complaint filed by Mahender, Supervisor at Hindustan Petroleum Corporation Limited (HPCL). He alleged that recently they had got an order of security of a pipeline and on No.968300 an oil leak alarm was received, upon which the guard of their security agency and other higher officers had checked the line. The information was also given to the police on 25.03.2021 and police officials inspected the spot. It was found that two valves of two inches and one valve of half inch had been fitted on the



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pipeline. The name of the owner of the said field was stated to be Hawa Singh.

3. During the course of investigation, the petitioner No.1-Sunil @ Banda was arrested on 07.11.2022 and got recovered a Pulsar motorcycle, a Swift car and Rs.68,000/-.

The petitioner No.2-Ravinder @ Chirkut was arrested on 29.01.2022 and got recovered a tanker of oil and Rs.11,500/-.

4. The Counsel for the petitioners contends that the petitioners have been falsely implicated in the present case on the basis of the disclosure statement of the arrested accused. The said disclosure statement had no evidentiary value in the eyes of law. 13 co-accused of the petitioner had been granted the concession of bail. As none of the 43 Pws had been examined so far, the Trial of the present case was not likely to be concluded anytime soon. Therefore, the petitioners were entitled to the concession of bail as well even though they were accused in multiple cases.

5. The learned counsel for the State, on the other hand contends that the petitioner No.1 was an accused in as many as 32 other cases, though, in some of those cases, he had been acquitted and in others, he had been granted the concession of bail. As regards petitioner No.2, he contends that he was an accused in 11 other cases and in some of which he had been granted the concession of bail. The antecedents of both the petitioners did not entitle them to the concession as prayed for. He, however, concedes that the petitioner No.1 was in custody since 07.11.2022 and petitioner No.2 was in custody since 29.01.2022, that 13 co-accused, namely, Ankit, Binder, Nakul Bedi, Dinesh, Des Raj, Narinder, Pawan, Suraj Kumar, Manish Gujjar @ Sund, Sunny Kumar, Harish @ Mistri, Amit Rana and Yashraj had been granted the concession of bail as also the fact that none of the 43 prosecution



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witnesses had been examined so far.

6. I have heard learned Counsel for the parties.
7. Admittedly, the petitioners are named in the disclosure statements of their co-accused. Whether the other evidence available against them is sufficient to affix their guilt would be adjudicated upon during the course of the Trial. The petitioners are stated to be in custody since 07.11.2022 and 29.01.2022 respectively, but none of the 43 Pws have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. 13 co-accused have been granted the concession of bail. In this situation their further incarceration is not required, even though they are a habitual offenders with multiple other cases registered against him.
8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner No.1-Sunil @ Banda and petitioner No.2-Ravinder @ Chirkut are ordered to be released on regular bail subject to their furnishing requisite bail bonds/surety bonds each to the satisfaction of the concerned Trial Court/Duty Magistrate.
9. The petitioners (or through someone else on their behalf) shall prepare an FDR in the sum of Rs.1,00,000/- each and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioners from Trial without sufficient cause.
10. The petition stands disposed of.

( JASJIT SINGH BEDI )  
JUDGE

July 18, 2024  
sukhpreet

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |