

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-11539-2024
Date of Decision: 11.3.2024

Yashraj

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. G.S.Sullar, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana.

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioner in case FIR No.264 dated 26.12.2021 registered for the offences punishable under Sections 15, 16, 15(IV) of Petroleum and Minerals Pipelines Act (Acquisition of Right of Users in Land) Act, Section 3 and 4 of Explosive Substances Act, Sections 379, 413, 34, 117, 411, 420, 467, 468, 471, 120-B, 201 IPC and Sections 3 and 4 of Prevention of Damage to Public Property Act at Police Station Rampura, District Rewari.

2. The allegations in brief are that the police received information regarding theft of oil from Hindustan Petroleum Corporation Limited (in short, 'HPCL') pipeline. A complaint in this regard was also moved by Mahender Singh, Supervisor, Dattar Security Service Group who was having duty to safeguard the pipeline of HPCL. On reaching the spot, two valves (two inch) and one valve (one inch) were found there and it was

found that place where the incident of theft of oil from pipeline had taken place belongs to PWD. Resultantly, FIR in the present case was registered against unknown persons.

3. Counsel for the petitioner, *inter alia* submits that the petitioner is innocent and is in custody since 7.10.2023 and no incriminating article except for cash worth ₹ 47,000/- was recovered from the petitioner. It is further submitted that FIR in this case was registered against unknown persons who committed theft of oil from a pipeline belonging to HPCL. It is further contended that after completion of investigation, challan stands presented. Further, co-accused/Nakul Bedi and Pawan are already given benefit of regular bail by this Court. He further submits that conclusion of the trial will take considerable time. So, prayer is made that the petitioner be released on regular bail.

4. Present petition is resisted by the State counsel who submits that the petitioner is also involved in some other criminal cases of similar nature. However, the State counsel has not disputed the fact that the petitioner is in custody for the last more than 5 months and that the alleged recoveries are already effected and that the challan has been presented but charges are still to be framed. However, the State counsel has not disputed the fact that co-accused/Nakul Bedi and Pawan are already enlarged on regular bail vide orders Annexures P-2 and P-3.

5. I have considered the submissions made by the counsel for the parties.

6. FIR in this case was registered against unknown persons who committed theft of oil from pipeline belonging to HPCL and later on, the petitioner was named as accused and is in custody for the last more than 5

months and the investigation is already complete but it will take considerable time for the trial to conclude. Co-accused/Nakul Bedi and Pawan are already given benefit of regular bail vide orders Annexures P-2 and P-3. Moreover, recoveries are already effected in this case.

7. Admittedly, no recovery of any stolen petroleum product or vehicle was effected from the petitioner. Even no forged documents are stated to be recovered from his possession. In the given circumstances, no useful purpose is going to be served by detaining the petitioner in custody for any longer period.

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

(KARAMJIT SINGH)
JUDGE

March 11, 2024

Paritosh Kumar

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No