

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

CRM-M-11707-2024(O&M)

Date of Decision:-30.04.2024

Yashraj.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

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

Present:- Mr. Iranpreet Singh, Advocate with
Mr. Gurmandeep Singh Sullar, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General,
Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case bearing FIR No.75 dated 29.07.2021 under Sections 379, 117, 413, 427, 120-B and 34 IPC, Sections 15, 16, 15(4) of Petroleum and Mineral Pipeline (Acquisition of Rights of user in L.D.) Act, 1962, Section 3 & 4 of Explosives Substances Act 1908, Section, Section 3 & 4 of Prevention of Damage to Public Property Act, 1984 registered at P.S. Rohdai, District Rewari.

2. The present FIR came to be registered on the basis of a written application moved by the Operation Manager. As per the Manager IOCL, he had gone to the spot on being asked by the Guard Sukhbir on 29.07.2021 that Crude Oil was spilling in the vicinity of Umed's fields and that someone had installed a hole/valve in the pipeline. Based on the information, the

officials from IOCL had visited the site and an area adjacent to the pipeline where they had discovered that a valve/hole had been installed in the pipeline thereby committing the act of theft of Crude Oil and damage to property. On the basis of the complaint filed, the FIR came to be registered.

3. During the course of investigation the petitioner came to be arrested on 04.11.2023 and the recovery of Rs.4200/- came to be effected from him.

4. The learned counsel for the petitioner contends that the petitioner has not been named in the FIR but has been falsely implicated on the basis of the confessional statement of his co-accused. Though there were 09 other cases registered against him, in 06 of those cases, he has been granted the concession of bail. As he was in custody since 06.11.2023 and none of the 41 prosecution witnesses had been examined so far, the Trial of the present case was not likely to be concluded anytime soon. Therefore, he was entitled to the concession of bail, moreso, when 08 co-accused had already been granted the similar relief by this Court.

4. The learned counsel for the State, on the other hand contends that the petitioner is one of the co-accused who had committed the offence along with the main accused. As he was an accused in 09 other cases, therefore, his criminal antecedents did not entitle him to the grant of bail. He, however, concedes that the petitioner was in custody since 06.11.2023, none of the 41 prosecution witnesses had been examined so far, in 06 out of 09 other cases registered against him he had been granted the concession of bail as also the fact that 08 co-accused of the petitioner had been granted the concession of bail by this Court.

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

6. Admittedly, out of 09 other cases registered against the

petitioner, he has been granted the concession of bail in 06 of those cases. He has been implicated on the basis of a disclosure statement of his co-accused. The evidentiary value of the said statement shall be adjudicated upon during the course of the Trial. The petitioner is in custody since 06.11.2023, the investigation stands completed but none of the 41 Pws have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required, moreso, when his multiple co-accused have already been granted the concession of bail..

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, **Yashraj** son of Sh. Dojraj is ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

8. The petitioner shall appear on the first Monday of every month before the police station concerned till the conclusion of the trial and furnish an affidavit each time that he is not involved in any case/crime other than the present one.

9. In addition, the petitioner (someone else on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- 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 petitioner from Trial without sufficient cause.

10. This petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 05, 2024
Vinay

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