

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

CRM-M-12059-2024(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 FIR No.94 dated 25.03.2021 under Sections 379, 411, 413, 117, 34 IPC, Sections 15, 16 of Petroleum and Mineral Pipeline (Acquisition of Rights of User in L.D.) Act, 1962, Sections 3 & 4 of Explosive Substance Act, 1908 and Section 3 and 4 of Prevention of Damage to Public Property Act, 1984 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 pipeline. The name of the owner of the said field was stated to be Hawa Singh.

3. During the course of investigation the petitioner came to be arrested on 09.10.2023 and the recovery of Rs.1,000/- came to be affected from him.

4. The Counsel for the petitioner contends that the petitioner has 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. 11 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 petitioner was entitled to the concession of bail as well even though he was accused in multiple cases.

4. The learned counsel for the State, on the other hand contends that the petitioner an accused in 09 other cases in 06 of which he had been granted bail. The antecedents of the petitioner did not entitle him to the concession as prayed for. He however, concedes that the petitioner was in custody since 09.10.2023, that 12 co-accused namely Ankit, Binder, Nakul Bedi, Dinesh, Des Raj, Narinder, Pawan, Suraj Kumar, Manish Gujjar @ Sund, Sunny Kumar, Harish @ Mistri and Amit Rana had been granted the concession of bail and that none of the 43 Pws had been examined so far.

5. I have heard learned Counsel for the parties.

6. Admittedly, the petitioner is named in the disclosure statements of his co-accused. Whether the other evidence available against him is

sufficient to affix his guilt would be adjudicated upon during the course of the Trial. The petitioner is stated to be in custody since 09.10.2023, 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. 12 co-accused have been granted the concession of bail. In this situation his further incarceration is not required, even though he is a habitual offender 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-**Yashraj** son of Sh. Dojraj is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

9. The petitioner (or through 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. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 30, 2024
Vinay

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