

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

CRM-M-15688-2024(O&M)

Date of Decision:-05.04.2024

Amit.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

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

Present:- Mr. Abhishek Goel, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, AAG Haryana.

JASJIT SINGH BEDI, J.(ORAL)

CRM-14907-2024

Allowed as prayed for.

Document annexed along with the application is taken on record as Annexure P-12 to P-16 respectively. The Registry is directed to place the same at appropriate place and paginate the paper book accordingly.

CRM-M-15688-2024

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 15, 16, 15(4) of Petroleum and Pipelines Act, Section 3 & 4 of Explosives Substances Act 1908, Section 379, 411, 117, 413, 427, 120-B and 34 IPC, 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.

During the course of investigation, co-accused Ravi Kumar, Harish alias Mistri, Anil alias Sonu, Ravinder alias Bablu, Vijay alias Ajay, Binder (petitioner), Suraj, Manish and Sunny were arrested in FIR No.112/2021 registered at Police Station Bawal. They were interrogated. They admitted their involvement in the commission of the present offence as well. They were arrested in the present case and interrogated. Based on their disclosure statements, offences punishable under Sections 117, 120-N, 411 IPC were added to the case. It came on record that the equipment and vehicles used by the said accused in commission of the present crime had already been recovered by them while being in custody in connection with FIR No.112 of 2021 registered at Police Station Bawal.

Thereafter, a sum of Rs.1700 was recovered from Suraj, a sum of Rs.1300/- was recovered from Sunny and a sum of Rs.2300/- was recovered from Ravinder alias Chirkut, a sum of Rs.1600/- was recovered from Ravi, a sum of Rs.3200/- was recovered from Harish, a sum of Rs.3700/- was recovered from Binder, a sum of Rs.1400/- was recovered from Vijay, a sum of Rs.1000/- was recovered from Manish alias Sonu and a sum of Rs.2400/- was recovered from Anil. The recovered amounts were taken into possession in terms of separate memos prepared in this regard.

The arrested accused got demarcated the places of occurrence.

During further investigation, it was found that Nakul Bedi was a habitual criminal and was involved in the sale and purchase of stolen oil and accordingly, the offences punishable under Sections 413 and 15(IV) of PMPL Amendment Act, 2021 were added to the case and the offence punishable under Section 411 IPC was dropped. The final report qua the above-named accused was submitted in the Court on 10.05.2022.

During the course of further investigation, accused Dinesh Rathi (since granted bail vide order dated 31.08.2023 passed in CRM-M-41887-2023) and Narender Singh were arrested in the present case on 19.09.2022. They were interrogated while being in custody and they admitted their involvement in the commission of the present crime as well.

Co-accused/Nakul Bedi (since granted bail vide order dated 26.07.2023 passed in CRM-M-29073-2023), Desh Raj and Pawan (since granted bail vide order dated 26.07.2023 passed in CRM-M-856-2023) had been arrested in the another case. Their production warrants were issued and they were joined in the investigation in the present case as well when they were arrested. Nakul Bedi disclosed the name of the present petitioner who was arrested and got recovered Rs.12,000/-

A sum of Rs.10,000/- was recovered from Pawan whereas a sum of Rs.30,000/- was recovered from Nakul Bedi and likewise, a sum of Rs.10,000/- was recovered from Dinesh Rathi from the proceeds of the sale of stolen oil.

Consequent upon the completion of the investigation qua Pawan, Narender, Dinesh Rathi and Nakul Bedi, a supplementary report under Section 173(8) was submitted in the Court on 18.12.2022.

During the course of further investigation, co-accused Sunil

alias Banda was arrested and the final report qua him was also submitted in the Court.

3. 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 Nakul Bedi who has been granted the concession of regular bail. Though there were 10 other cases of similar nature registered against him, in 04 of those cases, he has been granted the concession of bail. As he was in custody since April 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 07 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 10 other cases of similar nature, therefore, his criminal antecedents did not entitle him to the grant of bail. He, however, concedes that the petitioner was in custody since April 2023, none of the 41 prosecution witnesses had been examined so far, in 04 out of 10 other cases registered against him he had been granted the concession of bail as also the fact that 07 co-accused of the petitioner had been granted the concession of bail by this Court.

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

7. Admittedly, out of 10 other cases registered against the petitioner, he has been granted the concession of bail in 04 of those cases. He has been implicated on the basis of a disclosure statement of his co-accused Nakul Bedi who has already been granted the concession of bail.

The evidentiary value of the said statement shall be adjudicated upon during

the course of the Trial. The petitioner is in custody since April 2023, the investigation stands completed but noe 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 alredady been grnated the concession of bail..

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

9. 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.

10. 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.

11. This petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 05, 2024
Vinay

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