

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

Date of Decision:-19.04.2024

CRM-M-18161-2024

Harish @ Mistri.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

2.

CRM-M-18072-2024

Amit Rana.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

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

Present:- Ms. Diksha, Advocate for the Petitioner
(in CRM-M-18161-2024).

Mr. Abhishek Goel, Advocate for the Petitioner
(in CRM-M-18072-2024).

Mr. Rajiv Goel, Deputy Advocate General, Haryana.

JASJIT SINGH BEDI, J.(ORAL)

By this common order I shall dispose of both the
aforementioned petitions as the same have arisen out of one and the same
FIR.

2. The prayer in these petitions under Section 439 Cr.PC is for the
grant of regular bail in case FIR No.94 dated 25.03.2021 under Sections 15,
15(iv), 16 of Petroleum and Mineral Pipeline (Acquisition of Rights of User

in L.D.) Act, 1962, Sections 3 & 4 of Explosive Substance Act, 1908, Section 3 and 4 of Prevention of Damage to Public Property Act, 1984, Section 379, 413, 411, 117, 120-B, 34 IPC 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 Harish @ Mistri (petitioner in CRM-M-18161-2024) was arrested on 29.01.2022 and drill machine, welding machine, dongle and Rs.25,200/- came to be recovered from him. Amit Rana (petitioner in CRM-M-18072-2024) was arrested on 11.04.2023 and Rs.20,000/- were recovered from him.

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. 10 co-accused of the petitioners 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 of similar

nature.

4. The learned counsel for the State, on the other hand contends that the petitioner-Harish @ Mistri was an accused in 31 other cases in 10 of which he had been granted bail whereas petitioner-Amit Rana was an accused in 10 other cases in 05 of which he had been granted bail. The antecedents of the petitioners did not entitle them to the concession as prayed for. He however, concedes that the petitioners-Harish @ Mistri and Amit Rana were in custody since 29.01.2022 and 11.04.2023 respectively, that 10 co-accused namely Ankit, Binder, Nakul Bedi, Dinesh, Des Raj, Narinder, Pawan, Suraj Kumar, Manish Gujjar @ Sund and Sunny Kumar 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 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-Harish @ Mistri and Amit Rana are stated to be in custody since 29.01.2022 and 11.04.2023 respectively, but none of the 43 Pws had been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. 10 co-accused have been granted the concession of bail. In this situation their further incarceration is not required, even though they are habitual offenders with multiple other cases registered against them.

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioners-**Harish @ Mistri** son of Sh. Jagga and **Amit Rana** son of Sh. Kartar Singh Rana are ordered to be released on regular bail subject to their furnishing requisite bail bonds/surety

bonds 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 petitions stand disposed of.

(JASJIT SINGH BEDI)
JUDGE

April 19, 2024
Vinay

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