

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

Date of Decision:-18.04.2024

CRM-M-17772-2024

Suraj Kumar.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

2.

CRM-M-17777-2024

Manish Gujjar @ Sund.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

3.

CRM-M-17837-2024

Sunny Kumar.

.....Petitioner.

Vs.

State of Haryana.

.....Respondent.

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

Present:- Ms. Diksha, Advocate for the Petitioner
(in all the Petitions).

Mr. Kanwar Sanjiv Kumar, Assistant 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 Suraj Kumar (petitioner in CRM-M-17772-2024) was arrested on 29.01.2022 and Rs.11,200/-, iron tools, dongle, mobile phone and a genset came to be recovered from him. Manish Gujar @ Sund (petitioner in CRM-M-17777-2024) was arrested on 29.01.2022 and Rs.12,300/- and a spade was recovered from him. Sunny Kumar (petitioner in CRM-M-17837-2024) was arrested on 03.08.2022 but no recovery was effected 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. 07 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-Suraj Kumar was an accused in 14 other cases in 02 of which he had been granted bail. Petitioner-Manish Gujjar @ Sund was an accused in 14 other cases in 02 of which he had been granted bail whereas petitioner-Sunny Kumar was an accused in 05 other cases in 02 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-Suraj Kumar and Manish Gujjar were in custody since 29.01.2022 respectively whereas petitioner-Sunny Kumar was in custody since 03.08.2022, that 07 co-accused namely Ankit, Binder, Nakul Bedi, Dinesh, Des Raj, Narinder and Pawan 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-Suraj Kumar and Manish Gujjar are stated to be in custody since 29.01.2022 respectively whereas petitioner-Sunny Kumar is stated to be in custody since 03.08.2022, 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. 07 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-**Suraj Kumar** son of Sh. Rajpal Singh, **Manish Gujjar @ Sund** son of Sh. Vijender and **Sunny Kumar** son of Sh. Rajbal Singh 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 18, 2024
Vinay

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