

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

211

CRM-M No.20418 of 2024
Date of Decision: 30.04.2024

PAWANPetitioner

Vs
STATE OF HARYANARespondent

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Deepak Girotra, Advocate
for the petitioner.

Mr. Rajiv Sidhu, D.A.G., Haryana.

HARKESH MANUJA, J. (Oral)

1. By way of present petition filed under Section 439 Cr.P.C., prayer has been made for grant of regular bail to the petitioner in case bearing FIR No.0500 dated 04.11.2022 registered under Section 15 of Petroleum and Pipelines (Acquisition of right of user in land) Act, 1962, Section 23(a) of Petroleum Act, 1955, Section 7 of Essential Commodities Act, 1955, Sections 3, 4(b)(i) and 5(a) of Explosive Substances Act, 1908, Sections 3 and 4 of Motor Spirit and High Speed Diesel (Regulation of Supply & Distribution & Prevention of Malpractices) Order, 1908, Sections 268, 285, 286, 379 IPC and Sections 3 & 4 of Prevention of Damage to Public Property Act, 1984 (Sections 201, 120-B IPC added later on) at Police Station Sampla, Rohtak.
2. Learned counsel for the petitioner submits that the petitioner has been implicated with the allegations of providing equipments to other perpetrators to make an outlet in the pipelines of HPCL near National Highway Kharkhoda Jhajjar

Road, Rohtak for the purpose of setting up a wall therein to steal 1200 litres of petroleum oil.

3. The prayer made on behalf of the petitioner has been opposed by learned State counsel by referring to the antecedents of the petitioner, who is stated to be involved in two more cases; one being of similar nature. Learned State counsel also submits that the petitioner is repeated offender in relation to causing loss to the national property by stealing petroleum products and, thus, he does not deserve the concession of regular bail.

4. I have heard learned counsel for the parties and gone through the paper book. I find substance in the submissions made by learned counsel for the petitioner.

5. In the present case, the investigation already stands concluded with the filing of challan and the matter is listed before the Trial Court for consideration on framing of charges for 16.05.2024. Petitioner was implicated in the present case only on the basis of disclosure statements of Sumit and Phool Kumar, whereas both of them have already been granted concession of regular bail by the Trial Court itself vide orders dated 20.04.2024 and 25.04.2024 respectively. Petitioner is in custody for almost 04 months and as such, I do not find any justification to extend the incarceration of the petitioner.

6. Accordingly, without expressing any opinion on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds and surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

7. Considering the fact that the case in hand involves theft of 1200 litres of petroleum oil from the petroleum pipeline laid down by the HPCL and relates to national property, the Trial Court is requested to conclude the trial within a period of six months from the date of receipt of certified copy of this order. The Superintendent of Police, Rohtak is also requested to keep an eye over the trial so that all the prosecution witnesses appear and examine at the earliest.

8. It is made clear that this order may not be construed as expression of an opinion on the merits of the case.

April 30, 2024

Atik

Whether speaking/reasoned

Whether reportable

(HARKESH MANUJA)

JUDGE

Yes/No

Yes/No