



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

Date of Decision:-30.05.2024

CRM-M-26531-2024

Suraj Kumar.Petitioner.

Vs.

State of Haryana.Respondent.

2.

CRM-M-26699-2024

Harish @ Mistri.Petitioner.

Vs.

State of Haryana.Respondent.

3.

CRM-M-26744-2024

Sunny Kumar.Petitioner.

Vs.

State of Haryana.Respondent.

4.

CRM-M-27057-2024

Manish Gujjar @ Sund.Petitioner.

Vs.

State of Haryana.Respondent.

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

Present:- Ms. Diksha, Advocate for the Petitioners
(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 the aforementioned four 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 bearing FIR No.75 dated 29.07.2021 under Sections Sections 15, 16, 15(IV) of Petroleum and Mineral Pipeline (Acquisition of Rights of user in L.D.) Act, 1962, Section 3 & 4 of Explosives Substances Act 1908, Sections 3 & 4 of Prevention of Damage to Public Property Act, 1984 and Sections 379, 427, 416, 117, 120-B IPC registered at P.S. Rohdai, District Rewari.

3. 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.

4. The learned counsel for the petitioners contends that the petitioners were not named in the FIR but had been falsely implicated on the basis of the confessional statement of their co-accused. The Suraj Kumar (petitioner in CRM-M-26531-2024) was arrested on 14.02.2022 and got recovered tools, a mobile phone and Rs.1700/- in cash. He had been granted the concession of bail in 03 of the 14 cases registered against him. Harish



@ Mistri (petitioner in CRM-M-26699-2024) was arrested on 14.02.2022 and got recovered a car, mobile phone, tools, welding machine, a generator and Rs.3200/- in cash. He had been granted the concession of bail in 11 of the 31 cases registered against him. Sunny Kumar (petitioner in CRM-M-26744-2024) was arrested on 14.02.2022 and got recovered Rs.1300/-. He had been granted the concession of bail in 03 of the 05 cases registered against him. Manish Gujjar @ Sund (petitioner in CRM-M-27057-2024) was arrested on 14.02.2022 and had got recovered a mobile phone, Spade and Rs.1,000/- in cash. He had been granted the concession of bail in 03 of the 14 cases registered against him. As 09 of the 20 accused had been granted the concession of bail, none of the 31 Pws had been examined so far and the petitioners had undergone more than 02 years of custody, they were entitled to the concession of bail.

5. The learned counsel for the State, on the other hand contends that the petitioners were habitual offenders with multiple cases registered against them. Therefore, their criminal antecedents did not entitle them to the grant of bail. He however concedes that they were in custody since 14.02.2022, none of the 31 Pws had been examined so far, that 09 co-accused of the petitioners had been granted the concession of bail and that the petitioners themselves had been granted bail in multiple cases registered against them.

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

7. Admittedly, the petitioners are habitual offenders. However, they have been granted bail in multiple cases registered against them. They are stated to be in custody since 14.02.2022 but none of the 31 Pws have been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. 09 co-accused of the petitioners have been



granted the concession of bail. In this situation, their further incarceration is not required.

8. Thus, without commenting upon the merits of the case, the present petitions are allowed and the petitioners, namely, **Suraj Kumar** son of Sh. Rajpal Singh, **Harish @ Mistri** son of Jagga, **Sunny Kumar** son of Sh. Rajbal Singh and **Manish Gujjar @ Sund** son of Sh. Vijender @ Bijender are ordered to be released on bail to the satisfaction of the Trial Court/Duty Magistrate concerned.

9. The petitioners 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 they are not involved in any case/crime other than the cases mentioned above.

10. In addition, the petitioners (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.

11. This petitions stand disposed of.

(JASJIT SINGH BEDI)
JUDGE

May 30, 2024
Vinay

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