

CRM-M-33918-2024

2024:PHHC:094420



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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
(236-2)

Date of decision: 25.07.2024

(1) CRM-M-33918-2024 (O & M)

Brijesh @ Julfi Petitioner
V/s

State of Haryana ...Respondent

(2) CRM-M-34204-2024 (O & M)

Mohit @ Motta Petitioner
V/s

State of Haryana ...Respondent

CORAM: HON’BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Abhishek Goel, Advocate,
for the petitioner(s).

Mr. Parveen Kumar Aggarwal, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

This order shall dispose of two criminal miscellaneous petitions
i.e. CRM-M-33918-2024 and CRM-M-34204-2024 as they arise out of the
same FIR.

2. The petitioner-Brijesh @ Julfi (in CRM-M-33918-2024) and the
petitioner-Mohit @ Motta (in CRM-M-34204-2024) seek the grant of
regular bail under Section 439 Cr.P.C. in case bearing FIR No.94 dated

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25.03.2021 under Sections 379, 117, 411, 413, 427, 120-B IPC, Section 15(IV)/16 of the Petroleum & Pipe Line Act, 1962, Sections 3/4 of the Explosive Substances Act and 3/4 of the PDPP Act registered at Police Station Bawal, Rewari.

3. For the sake of convenience, the facts are being taken from the petition bearing No. CRM-M-33918-2024.

4. 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.

5. During the course of investigation, Brijesh @ Julfi (petitioner in CRM-M-33918-2024) was arrested on 30.09.2023 and got recovered a sum of Rs.1000/-.

The petitioner-Mohit @ Motta (in CRM-M-34204-2024) was arrested on 09.11.2023 and got recovered a sum of Rs.1000/-.

6. The Counsel for the petitioners contends that the petitioners have been falsely implicated in the present case on the basis of the disclosure



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statements of the arrested accused. The said disclosure statements had no evidentiary value in the eyes of law. 15 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.

7. The learned counsel for the State, on the other hand contends that the petitioner-Brijesh (in CRM-M-33918-2024) was an accused in as many as 09 other cases, though, in 05 of those cases, he had been granted the concession of bail. As regards petitioner-Mohit @ Motta (in CRM-M-34204-2024), he contends that he was an accused in 07 other cases and in 04 of those cases, he had been granted the concession of bail. The antecedents of both the petitioners did not entitle them to the concession as prayed for. He, however, concedes that the petitioners were in custody since 30.09.2023 and 09.11.2023 respectively, that 15 co-accused had been granted the concession of bail as also the fact that none of the 43 prosecution witnesses had been examined so far.

8. I have heard learned Counsel for the parties.

9. 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 are stated to be in custody since 30.09.2023 and 09.11.2023 respectively, but none of the 43 Pws have been



examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. 15 co-accused have been granted the concession of bail. In this situation their further incarceration is not required, even though they are a habitual offenders with multiple other cases registered against them.

10. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner-Brijesh @ Julfi (in CRM-M-33918-2024) and petitioner-Mohit @ Motta (in CRM-M-34204-2024) are ordered to be released on regular bail subject to their furnishing requisite bail bonds/surety bonds each to the satisfaction of the concerned Trial Court/Duty Magistrate.

11 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 petition stands disposed of.

July 25, 2024
sukhpreet

(JASJIT SINGH BEDI)
JUDGE

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