

2024:PHHC:115108



IN THE HIGH COURT FOR THE STATES OF PUNJAB AND  
HARYANA AT CHANDIGARH

228

CRM-M-42361-2024 (O&M)  
Date of decision: 04.09.2024

Brijesh @ Julfi ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Abhishek Goel, Advocate  
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 439 Cr.P.C. seeking regular bail in case bearing FIR No. 87 dated 18.08.2021, registered under Sections 379, 511 of IPC, Sections 15, 16 of the Petroleum & Pipe Line Act, 1962 and Sections 3 and 4 of the Explosive Substances Act at Police Station Rohdai, Rewari.
2. Brief facts relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the allegations that on 18.08.2021, Sunil Kumar, patrolling man of Indian Oil Corporation Limited (IOCL) while patrolling, noticed some loose soil on pipeline No. CH 217.800 in Village Rohdai. Suspecting some foul play, he checked the pipeline and found that two valves were fitted on the pipeline of IOCL apparently with intent to commit theft of oil. The higher authorities of the department were informed, who reached at the spot and found that theft of oil through the

2024:PHHC:115108



IOCL pipeline was committed by some unknown person. After registration of FIR, investigation proceedings were initiated. The co-accused, who were already involved in cases of theft of oil and were in custody, had been joined into investigation by securing their production warrants. They suffered disclosure statements admitting their involvement in the subject crime. The petitioner was arrested on 18.09.2023. Investigation has since been completed and the petitioner along with the co-accused is facing trial for commission of the aforementioned offences. He had moved an application for grant of regular bail which was dismissed by the trial Court, vide order dated 23.04.2024

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. He is custody since 18.09.2023. Only few witnesses out of 24 prosecution witnesses have been examined so far. Nine of the co-accused out of 13 have been extended benefit of bail by this Court. The trial is likely to take time. No useful purpose would be served by keeping him in custody any more. On the ground of parity also, he deserves to be released on bail. It is, therefore, argued that the petition deserves to be allowed.

4. *Per contra*, learned State counsel has argued that the petitioner along with the co-accused had committed theft of oil/petrol belonging to IOCL. The petitioner is a habitual offender since as many as 09 other criminal cases have been registered against him. There are chances of his committing similar offences, if extended benefit of bail. As such, it is urged that the petition does not deserve to be allowed.

2024:PHHC:115108



5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. The petitioner along with co-accused is alleged to have committed theft of oil. He is in custody since 18.09.2023. Investigation stands completed. Only a small number of prosecution witnesses have been examined so far. Therefore, it is apparent that the trial is likely to take time. Nine of the co-accused, whose cases are on similar footing with that of the petitioner, have since been extended benefit of bail. Keeping in view the period of his incarceration, on the ground of parity and in view of the discussion as made above but without making any comment on the merits of the case, it is held that the petitioner deserves to be released on bail at this stage. Hence, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/Duty Magistrate and further subject to the condition that the petitioner shall ensure his presence before the SHO of concerned Police Station on first Wednesday of every month till the conclusion of trial. He will disclose his present as well as permanent address before the learned trial Court at the time of furnishing of bonds and will also give copy of his Aadhar Card and details of his mobile phone number to the learned trial Court and in case, any change in his address or mobile phone takes place, then he shall inform about the same to the learned trial Court during trial of the case.

2024:PHHC:115108



7. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

04.09.2024

*Waseem Ansari*

(MANISHA BATRA)  
JUDGE

*Whether speaking/reasoned*

*Yes/No*

*Whether reportable*

*Yes/No*