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

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CRM-M-38381-2024 (O&M)
Date of decision: 28.08.2024

Mohit @ Motta ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Abhishek Goel, Advocate
for the applicant-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 and 16 of the Petroleum and Pipeline Act, 1962 and Sections 3 and 4 of Explosive Substance Act, 1908 registered at P.S. Rohdai, District Rewari.
2. Brief facts of the case relevant for the purpose of disposal of this petition are that the aforementioned FIR was registered on the basis of a complaint filed by the complainant Sachin Yadav, who was working as IOCL Mail Line Officer, alleging therein that on 18.08.2021 at about 10.30 a.m., Sunil Kumar, Patrolling Man noticed that on Pipeline No. CH 217.800 in village Rohdai, there was some loose soil, on which, he tried to insert a metal rod into the loose soil and the rod got inserted into the soil easily. When he tried to dig out the soil, he found that on the IOCL pipeline there were two valves fitted. Information in this regard was given by him to the complainant.

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The complainant transmitted the same to the IOCL higher officers and reached at the spot. Upon checking, it was found that two valves had been fitted on the SMPL line. Some unknown persons were found to have committed theft of oil through the IOCL pipeline. During the course of investigation, the Superintendent of Police, Rewari constituted an SIT. FIR No. 112 dated 10.04.2021, Police Station Bawal was found to have been registered against Ravi, Harish, Ravinder @ Bablu, Vijay @ Ajay, Binder, Suraj, Manish alongwith Anil @ Sonu and they had been arrested in the said case. One Sunny Kumar was also arrested. They had suffered their respective disclosure statements admitting their involvement in the commission of the present crime as well and stated that the equipment used in the commission of the offence had already been recovered by the police during the course of investigation of FIR No.112 dated 10.04.2021. Accused were taken on production warrants and were joined in investigation. They were arrested on 14.02.2022 in the instant case. The petitioner was arrested in November, 2023. After completion of necessary investigation and usual formalities, *challans* were presented in the Court qua arrested accused on 13.05.2022, 17.10.2022 and 17.04.2023, respectively. The petitioner had filed an application for grant of regular bail before the trial Court but the same had been dismissed, vide order 08.02.2024.

3. Learned counsel for the petitioner has argued that the petitioner has been falsely implicated in this case. No recovery has been made from the petitioner. *Challan* has been filed but the trial is going at very slow pace and its conclusion will take a long time. No test identification parade was

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conducted by the police. The only piece of evidence against the petitioner is the disclosure of a co-accused, that too in another FIR, which is not admissible in evidence. Co-accused Dinesh Rathi, Sunil @ Banda, Ravinder @ Chirkut, Harish @ Mistri, Manish Gujjar @ Sund, Suraj Kumar, Sunny Kumar, Binder @ Virender and Anil @ Sonu have already been granted concession of regular bail by this Court, vide orders annexed with this petition as Annexures P-4 to P-11. Hence, on the ground of parity too, the petitioner deserves concession of regular bail. It is, thus, argued that the petition deserves to be allowed.

4. Per contra, learned State counsel has argued that there are serious and specific allegations against the petitioner. He along with other co-accused has committed the subject offences. He is involved in 03 more FIRs. His criminal antecedents does not entitle him to the grant of bail. However, it is not disputed that the petitioner is in judicial custody since November, 2023 and aforesaid co-accused have already been granted concession of regular bail. It is also not disputed that the trial may take a long time.

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

6. The petitioner has been nominated in this case on the basis of the disclosure statement suffered by a co-accused in FIR No.112 dated 10.04.2021. It would be debatable whether the evidence collected during investigation against the petitioner is sufficient to affix liability upon him or not. He is in custody for the last about 10 months. Several co-accused have already been granted concession of regular bail by this Court, as mentioned

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above. The trial in the present case is likely to take some time. No useful purpose would be served by keeping the petitioner in custody anymore. Keeping in view the aforesaid facts and circumstances and also on the ground of parity, I am of the considered opinion that this petition deserves to be allowed.

7. Accordingly, the present petition is allowed. The petitioner is granted concession of regular bail, subject to his furnishing personal/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

8. The petitioner is directed to 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 he is not involved in any case/crime other than those which are already pending against him.

9. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

28.08.2024

Waseem Ansari

(MANISHA BATRA)
JUDGE

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