



223-2
IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-33297-2024
Date of decision: 22nd July, 2024

Mohit @ Motta

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

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

Ms. Nidhi Garg, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 439 of Cr.P.C.

seeking regular bail in the FIR mentioned below:-

FIR No.	Date	Police Station	Sections
75	29.07.2021	Rohdai, Rewari	379, 117, 413, 427, 120-B of IPC, 1860 and Sections 15/16 of Petroleum and Pipe Line Act, 1962, 3/4 Explosive Substances Act and 3/4 of Prevention of Damage to the Public Property Act, 1984

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 written complaint lodged by the Operation Manager, Indian Oil Corporation Limited (for short 'IOCL') alleging therein that on 29.07.2021, on receipt of



an information from the Guard-Sukhbir regarding spilling of crude oil in the vicinity of fields of one Umed Singh and that some hole/valve was found in the pipeline, he along with other officials of IOCL had visited the spot and found that hole had been created in the pipeline by covering it with a valve by someone, thereby committing theft of crude oil and causing damage to the property of IOCL. After registration of FIR, investigation proceedings were initiated. Some of the co-accused were arrested. During investigation, accused Ravi Kumar suffered disclosure statement on the basis of which, the present petitioner was also nominated as an accused. The petitioner was arrested. Investigation has since been completed and trial is going on. The petitioner had moved an application for grant of regular bail which had been dismissed by the Court of learned Additional Sessions Judge, Rewari vide order dated 23.04.2024.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case on the basis of disclosure statement of co-accused which cannot be taken into consideration. He was neither named in the FIR nor his identity as one of the accused had been established. No recovery has been effected from him. He is in custody since long. Out of forty-nine witnesses, none has been examined. All of the other co-accused have since been extended benefit of bail. On the ground of parity, he too deserves to be released on bail. The trial is likely to take time. No useful purpose would be served by keeping him in custody. Therefore, it is urged that he deserves to be extended benefit of bail.



4. *Per contra*, learned State counsel who has advance notice of the application submits that he is ready to argue the matter. It is submitted by him that there are serious allegations against the petitioner. There are chances of his committing similar offence, if extended benefit of bail. While admitting that most of accused have since been extended benefit of bail, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner along with the co-accused is alleged to have committed theft of crude oil from the pipeline of IOCL by creating a hole/valve in the same. He was not named in the FIR. He was nominated as an accused on the basis of disclosure statement of the co-accused. He is in custody since long and trial is likely to take time. The co-accused whose case was on similar footing, have been extended benefit of bail. On the ground of parity, the petitioner too deserves to be given the same benefit. Keeping in view the period of his incarceration and the nature of subject offence and circumstances as discussed above but without meaning to make any comment on the merits of the case, I am of the considered opinion that the petition deserves to be allowed. Hence, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.



7. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

22nd July, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |