



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

259

CRM-M No.31086 of 2024
Date of Decision: 02.08.2024

Ravi Kumar @ Karna ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Gulshan Nandwani, Advocate,
for the petitioner.

Mr. Arjun Lakhanpal, Addl. AG, Haryana.
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner seeking regular bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
87	18.08.2021	Rohadai, District Rewari	379 and 511 of IPC, 15 and 16 of Petroleum and Minerals Pipe Lines (Acquisition of Right of User in Land) Act, 1962, 3 and 4 of Explosive Substances Act, 1908 and 3 and 4 of Prevention of Damage to Public Property Act, 1984

2. The 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.

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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 IOCL pipeline was committed by some unknown person. After registration of FIR, investigation proceedings were initiated. The petitioner and 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 formally arrested on 14.02.2022. 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 Court of learned Additional Sessions Judge, Rewari vide order dated 31.01.2024.

3. It is argued by learned counsel for the petitioner that he is in custody since 14.02.2022. Only few witnesses out of 24 prosecution witnesses have been examined so far. Eight 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

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IOCL. The petitioner is a habitual offender since as many as four 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.

5. I have heard learned counsel for the petitioner as well as learned State counsel 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 14.02.2022. Investigation stands completed. Only small number of prosecution witnesses have been examined so far. Therefore, it is apparent that the trial is likely to take time. Eight of the co-accused whose case is on similar footing has 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 concerned 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,

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then he shall inform about the same to the learned trial Court during trial of the case.

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.

02.08.2024
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(MANISHA BATRA)
JUDGE

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