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

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CRM-M-38009-2024 (O&M)  
Date of decision: 12.08.2024

Ravinder @ Chirkut ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present:- Mr. Gurbir Singh Sandhu, Advocate  
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. This petition has been filed by the petitioner under Section 483 of Bhartiya Nagarik Suraksha Sanhita, 2023 seeking regular bail in case bearing FIR No. 75 dated 29.07.2021, registered under Sections 15 and 16 of Petroleum and Mineral Pipeline Act, 1962, Sections 3 and 4 of the Explosive Substance Act and Sections 379, 427, 413, 117, 120-B and 34 of IPC at Police Station Rohdai, District Rewari.
2. Brief facts of the case relevant for the purpose of disposal of the present petition are that the aforementioned FIR had been registered on the basis of complaint lodged by the Operational Manager of Indian Oil Corporation Limited (IOCL) alleging therein that on 29.07.2021 on receipt of information from Guard Sukhveer that crude oil was spilling from the pipeline passing through the agricultural land of one Umed at Village Palhawas, he had visited there and found that someone had created a hole by installing a valve

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in the pipeline from where the oil was spilling. Investigation proceedings were initiated. During the course of investigation, the present petitioner and the co-accused were apprehended and arrested. The petitioner had moved an application for grant of regular bail before the trial Court but the same was dismissed, vide order dated 11.10.2023.

3. It has been argued by learned counsel for the petitioner that he is not named in the FIR and has been falsely implicated in this case. The co-accused, whose case is on similar footing, have been extended benefit of bail by this Court. On the ground of parity, he too deserves to be extended benefit of bail. He is in custody since 14.02.2022. The trial is likely to take time. Therefore, it is argued that the petition deserves to be allowed.

4. *Per contra*, it is argued by learned State counsel that the petitioner does not deserve to be extended benefit of bail as he is a habitual offender and has committed similar offences. Several other cases have been registered against him. There are chances of his committing similar offences or absconding, if extended benefit of bail. His case is not at parity with the case of the co-accused, therefore, he has argued that the petitioner does not deserve to be extended benefit of bail.

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 is in custody since 14.02.2022. It is revealed from the record that all other co-accused have been extended benefit of bail. The trial is likely to take time as not even a single witness has been examined so far, despite the fact that the petitioner is in custody for over a period of two

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and half years. No doubt, the petitioner has criminal antecedents but that only cannot be considered to be a ground to reject the plea for release on bail as made by the petitioner. Further incarceration of the petitioner is not warranted. As such, in my considered opinion, no useful purpose would be served by keeping the petitioner in custody any more. In view of the discussion as made 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 same is allowed and the petitioner is ordered to be released on bail subject to the petitioner’s furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

12.08.2024

*Waseem Ansari*

(MANISHA BATRA)

JUDGE

|                                  |            |
|----------------------------------|------------|
| <i>Whether speaking/reasoned</i> | <i>Yes</i> |
| <i>Whether reportable</i>        | <i>Yes</i> |