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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40723-2024

Date of Decision:- 06.11.2024

Lokesh Bhati

....Petitioner

Vs.

State of Haryana

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Kamal Chaudhary, Advocate
for the petitioner.

Mr. Rupinder Singh Jhand, Addl. AG Haryana.

Dr. Pankaj Nanhera, Advocate
for the complainant.

AMARJOT BHATTI, J.

Petitioner – Lokesh Bhati has filed petition under Section 438 of Cr.P.C. for grant of anticipatory bail in case FIR No. 143 dated 28.06.2024 (Annexure P-1), under Section 381, 34 of IPC, registered at Police Station Dhauj, Faridabad.

2. As per the facts of case, Vipin complainant filed written complaint that he is having petrol pump in the name of M/s Sausad Shaheed Bijender Singh Adhana Fuel Centre Add 17/2, Mangar, Gurgaon-Faridabad road. Lokesh was working in their petrol pump for last about 7 years and he was a care taker of petrol pump and diesel tanker. On 17.04.2024, diesel tanker bearing registration No. HR-47-E-7745 came

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from Rewari Depot with a new driver at their petrol pump. Tanker reached at about 09:20 PM and it was emptied at night. On 18.04.2024, IOCL Company's Mobile Lab Officer did checking at their petrol pump and during initial investigation, adulteration was detected in petrol. Driver Lokesh and Naveen stole petrol from vehicle by mixing other oil in it. Therefore, legal action be taken against them.

3. Learned counsel for petitioner raised issue that all allegations levelled against him are false. It is pointed out that on every consignment reaching petrol pump, sample is drawn from tanker before unloading it. Tanker can only be unlocked by the owner as it is password protected and OTP is received on mobile phone of owner. Vehicles used for transportation are GPS equipped and owner is having access to check movement of vehicle. Therefore, vehicle cannot be stopped and there is no chance of adulteration of petrol in tanker. Petitioner was not present when IOCL Company's Mobile Lab Officer took sample from tanker. No sample was drawn from tanker itself and it was directly unloaded in tanker. Therefore, there is no chance of mixing in tanker itself and present petitioner has been falsely implicated in this case so that owner of petrol pump could save his own skin from the action taken by IOCL Officer. He is ready to join the investigation. It is prayed that his anticipatory bail petition may be allowed.

4. Bail petition is opposed by learned counsel representing State. Status report has been filed. Present petitioner alongwith co-accused committed theft of petrol and did adulteration by adding ethanol. Petitioner was well aware of loop holes in system and taking benefit of same



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committed theft of petrol. He is required to join the investigation.

5. I have considered the arguments. Present petitioner has taken specific stand regarding transportation of petrol in a tanker and how tanker is password protected. It is further claimed that tanker is equipped with GPS system. Learned counsel for petitioner further raised the issue that no sample was drawn when tanker arrived at petrol pump. Rather, it was emptied in tanker. Therefore, sample was drawn from tanker and not from oil tanker. Present petitioner is ready to join the investigation. No recovery is to be effected from him. Sample is already drawn from tanker. Therefore, no purpose would be served by sending petitioner behind the bars.

Considering the aforesaid factual position, anticipatory bail petition filed by petitioner – Lokesh Bhati is allowed. He be not arrested. In case of his arrest, he be released on bail to the satisfaction of Arresting/Investigating Officer concerned, subject to condition that petitioner will join investigation as and when required. He will not tamper with or interfere with investigation and will not leave country without prior permission as provided under Section 438(2) Cr.P.C.

6. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

06.11.2024

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(AMARJOT BHATTI)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No