

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-50640-2023(O&M)

Date of Decision:-18.03.2024

Dinesh Rathi.

.....Petitioner.

Vs.

State of Haryana.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Parveen Chauhan, Advocate for
Mr. Gagandeep Singh Wasu, Advocate for the Petitioner.

Mr. Kanwar Sanjiv Kumar, Assistant Advocate General,
Haryana.

JASJIT SINGH BEDI, J.(ORAL)

CRM-11984-2024

Allowed as prayed for.

Affidavit annexed along with the application is taken on record.

The Registry is directed to place the same at appropriate place and paginate the paper book accordingly.

CRM-M-50640-2023

The prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.215 dated 08.05.2022 under Section Sections 3 & 4 of Prevention of Damage to Public Property Act, 1984, Section 15 & 16 of Petroleum and Mineral Pipeline Act, 1962, Sections 3 & 4 of Explosive Substances Act, 1998, Section 3 & 4 of Motor Spirit and High Speed Diesel (Regulation of Supply and Distribution and Preventioin

of Malpractices) Order, 1998 and Sections 268, 285, 286, 379 IPC later on added Sections 411, 120-B IPC and Section 23(2) of Petroleum and Mineral Pipe Line Act, 2021 and Section 4(b)(i), 5(a) and 6 of Explosive Substantive Act, 1908 registered at P.S. Sampla, District Rohtak.

2. The prosecution case in brief is that the complainant-Narain Singh, who is working as Field Officer in the Security Services of HPCL Pipeline, stated that on 07.05.2022, the team reached at the spot and found that there was a theft of petrol taking place as a hole had been made in the pipeline. The matter was reported to the Police, on the basis of which, the formal FIR was registered.

3. The learned counsel for the petitioner contends that the petitioner is not named in the FIR nor has any specific role been attributed to him and he has been named in the disclosure statement of his co-accused Parmod. In fact, one Parmod was arrested and disclosed that Jai Kanwar, Narendra @ Anna, Dinesh (petitioner), Sunil, Vijay Chhillar and Mohit were involved in the theft of the oil. Similar is the disclosure statement of Vijender @ Kala. He contends that the petitioner was in custody since 18.06.2022 but none of the 41 prosecution witnesses had been examined so far. 15 co-accused of the petitioner had already been granted the concession of bail. The petitioner himself had been granted the concession of bail in 18 out of the 19 other cases registered against him. Therefore, he was entitled too the grant of bail in the present case as well.

4. The learned counsel for the State, on the other hand has filed Status report dated 17.03.2024 by way of affidavit of Mr. Rakesh Kumar, HPS, Deputy Superintendent of Police, Sampla, District Rohtak. While referring to the said status report he contends that the petitioner was named in the disclosure statement of his co-accused. Pursuant to his arrest Rs.5

lacs in cash, a genset, oil guage a country made pistol and a mobile phone came to be recovered from him. Keeping in view the serious nature of the allegations levelled against the petitioner, he was not entitled to the concession of bail. He however concedes that the petitioner was in custody since 18.06.2022, none of the 41 prosecution witnesses had been examined so far, all the co-accused of the petitioner had been granted the concession of bail and that the petitioner himself has been granted the concession of bail in 18 out of the 19 other cases registered against him.

5. I have heard the learned counsel for the parties.

6. Admittedly, the petitioner is not named in the FIR but in the disclosure statement of his co-accused. The effect of various recoveries made from the petitioner would be a matter of adjudication during the course of the trial. All the 15 co-accused of the petitioner have already been granted the concession of bail. The petitioner himself has been granted the concession of bail in 18 out of the 19 cases registered against him. As he is in custody since 18.06.2022 but none of the 41 prosecution witnesses had been examined so far, the trial of the present case is not likely to be concluded anytime soon. Therefore, the further incarceration of the petitioner is not required.

7. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner-**Dinesh Rathi** son of Sh. Devender Rathi is ordered to be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the concerned Trial Court/Duty Magistrate.

9. The petitioner shall 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 the

case(s) mentioned in this order

10. In addition, the petitioner (or through someone else on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from Trial without sufficient cause.

11. The petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

March 18, 2024

Vinay

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