



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-56580-2023 (O&M)

Date of decision : 22.08.2024

Harish @ Mistri

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Diksha, Advocate & Mr. Kapish Singla, Advocate
for the petitioner.
Mr. Kiran Pal Singh, AAG, Haryana.
Mr. Rajiv Sharma, Advocate for the complainant-HPCL.

MAHABIR SINGH SINDHU, J.

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Code') for seeking bail pending trial in FIR No. 112 dated 10.04.2021, under Sections 15 & 16 of Petroleum & Mineral Pipeline Act, 1962; Sections 3 & 4 of Explosive Substances Act, 1908; Section 379 read with Section 34 of Indian Penal Code, 1860(Sections 120-B,117,411, 413,420,467,468,471 read with Section 34 of IPC, Sections 15(iv) of Petroleum and Minerals Pipelines (Acquisition of Rights of User in Land) Amendment Act, 2021, Sections 3 & 4 of Prevention of Damage to Public Property Act, 1984 and Section 25 of Arms Act, 1959 added later on) registered at Police Station Bawal, District Rewari.

2. Above FIR was registered on the basis of statement made by one Mahender Singh and which reads as under:-

“ To SHO Bawal, PS Bawal, Subject: Regarding the theft of Maha Dila Pipeline of Hindustan Petroleum Corporation Limited (HPCL). Sir, I Mahender Singh son of Kirori Lal, working as Supervisor in Datar Security Service Group, address RZ-10, Sayad Nangloi Pachim Vihar New Delhi -87, which has received the security order of HPCL Pipeline. On 09.04.2021, after receipt of oil leakage alarm at pipeline No. CH NO. KMP971 Of HPCL, the guards of security agency along with officials of HPCL had checked



the spot and intimation in this regard was sent to Police Station Bawal at 2.00 a.m. on 10.4.2021. Thereafter, the team of PS Bawal has also checked it and the field was dugout in the presence of S.H.O., thereafter, on checking one valve of two inch and one valve of ½ inch were found attached to the pipeline. From this attachment, damaged has been caused to the pipeline which comes under Govt. of India's Essential Commodities. It is therefore, requested that FIR be registered under following Sections and immediate action be taken: 1. Section 15/16 of Petroleum and Mineral Pipeline Act, 1962, 2. Section 3/4 of Explosive Substance Act, 1908, 3. Section 379 IPC, 4. Any Other sections."

3. Contends that petitioner was not named in the FIR; rather he has been nominated on the basis of disclosure made by co-accused-Ankit. Further contends that main accused-Nakul Bedi has already been granted the concession of bail pending trial by the Coordinate Bench on 28.04.2023 and till date, the order granting bail to the above co-accused is not under challenge by the State of Haryana. Also contends that petitioner was granted concession of interim bail by this Court on 03.04.2024 and since then, he is regularly appearing before learned trial Court. Again contends that petitioner has never misused the interim concession; thus, sending him to custody at this stage would not serve any purpose.

4. *Per contra*, learned State counsel although acknowledged the factum of granting bail to co-accused-Nakul Bedi as well as interim concession to the petitioner; but he opposed the prayer on the premise that during investigation, recovery of tools used in the commission of crime, car No. HR 26-BG-9065 and a sum of Rs. 25,200/-was effected from the petitioner.

5. Learned counsel for the complainant-HPCL also opposed the prayer on the ground that allegations against the petitioner are very serious in nature; thus, he does not deserve the concession of bail at this stage.



6. Heard learned counsel for the parties and perused the paperbook.

7. As per prosecution case itself, the Tanker bearing registration No.RJ-18GC-1553; carrying 22,000 litres of stolen oil was allegedly recovered from co-accused-Nakul Bedi and he has already been granted the concession of regular bail by Coordinate Bench on 28.04.2023. During the course of hearing, it is acknowledged by both sides, that above order has neither been challenged; nor set aside, till date.

8. It is also not in dispute that petitioner was granted interim bail by this Court on 03.04.2024 and the order reads as under:-

“ Learned Counsel for the HPCL is not able to assist the Court in view of the fact that no one has turned up from the Corporation.

However, he submits that Indian Oil Corporation Ltd., Sector 19, Chandigarh through its General Manager would be the necessary party in this case.

In view of the above, Indian Oil Corporation Ltd. is impleaded as party respondent.

Registry to do the needful.

Notice of motion to the newly impleaded respondent for 15.05.2024.

Mr. Sharma is requested to intimate the quarter concerned.

Till the next date of hearing, interim order(s) in CRM-M Nos.39535, 36860 & 41790 of 2023 to continue.

In the meanwhile, petitioner(s) in CRM-M Nos.44968, 52125, 56580, 56583, 56727, 56760 & 63051 of 2023 & CRM-M No.12356 of 2024 be also released on interim bail in respective case(s) till the next date of hearing on their furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

HPCL/IOC are directed to place on record the MOU/Agreement entered into with the security agency for



running the Pipe Line in question.

Photocopy of this order be placed on the connected case(s).”

In pursuance of the above order, petitioner is regularly appearing before learned trial Court and there is no allegation that he has misused the interim concession and/or likely to hamper the trial in any manner.

9. As the trial is likely to take sufficient long time; therefore, sending him to judicial custody at this stage, would not serve any purpose.

10. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 03.04.2024, is made absolute. He shall be admitted to bail on furnishing fresh bail/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

11. Petitioner shall appear on each and every date of hearing without seeking unnecessary adjournment(s).

12. It is clarified that above observations be not construed as an expression of opinion on merits of the case.

13. In case, there is any misuse of concession by petitioner, the State of Haryana would be at liberty to move an appropriate application for recalling of this order.

14. Again clarified that willful non-appearance of the petitioner, during proceedings before learned trial Court, shall be construed as misuse of the concession.

Pending application(s), if any, shall also stand disposed off.

22.08.2024
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No