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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-61056-2023 (O & M)
Date of Decision: 06.03.2024

Binder @ Virender ... Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

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

Mr. Kanwar Sanjiv Kumar, AAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 439 Cr.P.C. is for the grant of regular bail to the petitioner in case FIR No.75 dated 29.07.2021 under Sections 15, 16 and 15(IV) of the Petroleum and Minerals Pipelines (Acquisition of Rights of user in L.D.) Act, 1962, Sections 3 and 4 Explosive Substances Act, Sections 379, 427, 413, 117 and 120-B IPC, and Sections 3 and 4 of the Explosive Act and Sections 3/4 PDPP Act, 1994, registered at Police Station Rohdai, District Rewari.

2. The present FIR came to be registered on the basis of a written application moved by the Operation Manager. As per the Manager IOCL, he had gone to the spot on being asked by the Guard Sukhbir on 29.07.2021 that Crude Oil was spilling in the vicinity of Umed's fields and that someone had installed a hole/valve in the pipeline. Based on the information, the officials from IOCL had visited the site and an area adjacent to the pipeline where they had discovered that a

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valve/hole had been installed in the pipeline thereby committing the act of theft of Crude Oil and damage to property. On the basis of the complaint filed, the FIR came to be registered.

During the course of investigation, co-accused Ravi Kumar, Harish alias Mistri, Anil alias Sonu, Ravinder alias Bablu, Vijay alias Ajay, Binder (petitioner), Suraj, Manish and Sunny were arrested in FIR No.112/2021 registered at Police Station Bawal. They were interrogated. They admitted their involvement in the commission of the present offence as well. They were arrested in the present case and interrogated. Based on their disclosure statements, offences punishable under Sections 117, 120-N, 411 IPC were added to the case. It came on record that the equipment and vehicles used by the said accused in commission of the present crime had already been recovered by them while being in custody in connection with FIR No.112 of 2021 registered at Police Station Bawal.

Thereafter, a sum of Rs.1700 was recovered from Suraj, a sum of Rs.1300/- was recovered from Sunny and a sum of Rs.2300/- was recovered from Ravinder alias Chirkut, a sum of Rs.1600/- was recovered from Ravi, a sum of Rs.3200/- was recovered from Harish, a sum of Rs.3700/- was recovered from Binder, a sum of Rs.1400/- was recovered from Vijay, a sum of Rs.1000/- was recovered from Manish alias Sonu and a sum of Rs.2400/- was recovered from Anil. The recovered amounts were taken into possession in terms of separate memos prepared

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in this regard. The arrested accused got demarcated the places of occurrence.

During further investigation, it was found that Nakul Bedi was a habitual criminal and was involved in the sale and purchase of stolen oil and accordingly, the offences punishable under Sections 413 and 15(IV) of PMPL Amendment Act, 2021 were added to the case and the offence punishable under Section 411 IPC was dropped. The final report qua the above-named accused was submitted in the Court on 10.05.2022.

During the course of further investigation, accused Dinesh Rathi (since granted bail vide order dated 31.08.2023 passed in CRM-M-41887-2023) and Narender Singh were arrested in the present case on 19.09.2022. They were interrogated while being in custody and they admitted their involvement in the commission of the present crime as well.

Co-accused/Nakul Bedi (since granted bail vide order dated 26.07.2023 passed in CRM-M-29073-2023), Desh Raj and Pawan (since granted bail vide order dated 26.07.2023 passed in CRM-M-856-2023) had been arrested in the another case. Their production warrants were issued and they were joined in the investigation in the present case as well when they were arrested.

A sum of Rs.10,000/- was recovered from Pawan whereas a sum of Rs.30,000/- was recovered from Nakul Bedi and likewise, a sum

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of Rs.10,000/- was recovered from Dinesh Rathi from the proceeds of the sale of stolen oil.

Consequent upon the completion of the investigation qua Pawan, Narender, Dinesh Rathi and Nakul Bedi, a supplementary report under Section 173(8) was submitted in the Court on 18.12.2022.

During the course of further investigation, co-accused Sunil alias Banda was arrested and the final report qua him was also submitted in the Court.

3. The learned counsel for the petitioner contends that the petitioner has not been named in the FIR but had been falsely implicated on the basis of his own disclosure statement got recorded when he was arrested in FIR No. 112 dated 10.04.2021. The said disclosure statements has no evidentiary value in the eyes of law. As the petitioner was in custody since 14.02.2022 and only 04 of the 29 prosecution witnesses had been examined so far, he was entitled to the concession of bail, moreso, when in 13 of the 19 other cases registered against him, he had already been granted the concession of bail and co-accused, namely, Pawan, Nakul Bedi and Dinesh Rathi had been granted the concession of bail vide two separate orders dated 26.07.2023 and the order dated 31.08.2023 (Annexures P-2, P-4 and P-7 respectively).

4. The learned counsel for the State, on the other hand, contends that the petitioner is one of the main accused who had committed the offence alongwith the other accused. He contends that the petitioner was an accused in total 19 cases (including the present FIR) registered against

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him and therefore, his criminal antecedents did not entitle him to the grant of bail. He, however, concedes the fact that the petitioner is in custody since 14.02.2022, only 04 out of the 29 prosecution witnesses had been examined so far and in 13 of the 19 (including the present FIR) pending cases, the petitioner had been granted the concession of bail.

5. I have heard the learned counsel for the parties.
6. Admittedly, out of the 19 cases (including the present FIR) registered against the petitioner-Binder @ Virender, in 13 cases he has been granted the concession of bail. The details thereof are as under:-

Sr. no.	Case/FIR Details	Sections	Status
1.	FIR No.23 dated 22.01.2022, Sampla (Rohtak)	268, 285, 286, 379 and 15/16 of the Petroleum Act	On Bail
2.	FIR No.453/2022, Police Station Asaudha (Jhajjar)	285, 34, 394, 511 IPC, 3/4 of the Explosive Act	On Bail
3.	FIR No.127/2021, PS Machhrauli, District Jhajjar	268, 285, 379, 34 IPC, 15/16 of the Petroleum Act, 3/4 of the Explosive Act	On Bail
4.	FIR No.470/2021, Police Station Kharkhoda, District Sonapat	285, 379, 34 IPC, 3/4 of the Explosive Act, 3/4 of the PDPP Act	On Bail
5.	FIR No.603/20.12.20 Police Station Kharkhoda, District Sonapat, Haryana	285, 379, 34, 427 IPC, 15/16 of the Petroleum Act, 3/4 of the Explosive Act, 3/4 of PDPP Act	On Bail
6.	FIR No.92/2021 Police Station Badli, (Jhajjar)	268, 285, 286, 379, 511 IPC, 15/16 Petroleum Act and 3/4 of PDPP Act	On Bail
7.	FIR No.590/2020, Police Station Kharkhoda, District Sonipat	285, 379, 34 IPC, 15/16 of Petroleum Act and 3/4 of the PDPP Act	On Bail

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8.	FIR No.162/2021, Police Station Sampla (Rohtak)	268, 285, 286, 379 IPC, 15/16 Petrol and Pipeline Act and Section 23 of Petroleum Act and 3/4 PDPP Act and 6/4 of Explosive Act	On Bail
9.	FIR No.284/2021 Police Station Rampura (Rewari)	379, 411, 117, 120-B, 34 IPC, Sections 15/16 of the Petroleum Act, 3/4 of PDPP Act	On Bail
10.	FIR No.264/2021 Police Station Rampura (Rewari)	379, 413, 34, 117, 411, 420, 467, 468, 471, 120-B IPC, 15/16 of the Petrleum Act, 3/4 of the Explosive Act	On Bail
11.	496/2015, Police Station Kundli (Sonipat)	323, 341, 506, 34 IPC	On Bail
12.	FIR No.112/2021	379, 411, 117, 120-B, 34 IPC, 15/16 of the Petroleum Act, 3/4 of the Explosive Act	Next date of hearing in Sessions Court on 09.01.2024
13.	FIR No.84/2021	379, 411, 117, 34 IPC, 15/16 of the Petroleum Act, 3/4 of the Explosive Act	Next date of hearing in Sessions Court on 10.01.2024
14.	FIR No.350/2021, Police Station Jhajjar (Jhajjar)	379, 511, 285, 286, 268, 120-B IPC, 15 of the Petroleum Act, 4 of the PDPP Act	Next date of hearing ----
15.	FIR No.450/2021	285, 379, 511, 34 IPC	Next date of hearing ---
16.	FIR No.450/2022, Police Station Assaudha (Jhajjar)	285, 379, 511,34 IPC	Next date of hearing---
17.	FIR No.341/2016, Alipur	394, 397, 307, 411, 34 IPC	On Bail
18.	FIR No.87 dated 18.08.2021 , Police Station Rohadai, District Rewari	15, 16 and 15 (IV) of the Petroleum and Mineral Pipeline (Acquisition of Rights of user in L.D) Act, 1962, 3/4 of the Explosive Substances Act, 1908 and Sections 379 and 511 IPC and	On Bail

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		Sections 3/4 of the Explosive Act and 3/4 of the PDPP Act, 1994.	
19.	FIR No.75/29.07.2021, Police Station Rohdai, District Rewari	15, 16 and 15(IV) of the Petroleum and Minerals Pipelines (Acquisition of Rights of user in L.D.) Act, 1962, Sections 3 and 4 Explosive Substances Act, Sections 379, 427, 413, 117 and 120-B IPC, and Sections 3 and 4 of the Explosive Act and Sections 3/4 PDPP Act, 1994,	Present FIR

7. Further, the petitioner has been inculpated on the basis of his own disclosure statements and that of his co-accused suffered in FIR No.112 dated 10.04.2021. Whether the other evidence available against the petitioner is sufficient to affix liability upon him would be a matter of adjudication during the course of the Trial. At this stage, the petitioner is in custody since 14.02.2022, the investigation stands completed and only 04 of the 29 prosecution witnesses have been examined so far. Thus, the trial in the present case is not likely to be concluded anytime soon. Therefore, the further incarceration of the petitioner is not warranted, moreso, when in 13 of the 19 cases, he has been granted the concession of bail and three co-accused, namely, Pawan, Nakul Bedi and Dinesh Rathi have been granted the similar relief vide two separate orders dated 26.07.2023 and the order dated 31.08.2023 (Annexures P-2, P-4 and P-7 respectively).

8. Thus, without commenting upon the merits of the case, the present petition is allowed and the petitioner-Binder @ Virender is

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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.

(JASJIT SINGH BEDI)
JUDGE

March 06, 2024
sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No