

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-62879-2023

Date of Decision: 27.2.2024

Sunil @ Banda and another

....Petitioners

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. G.S.Sandhu, Advocate
for the petitioner.

Mr. Vishal Kashyap, DAG, Haryana

KARAMJIT SINGH, J.

Prayer in the present petition under Section 439 of Code of Criminal Procedure is for grant of regular bail to the petitioners in case FIR No.264 dated 26.12.2021 registered for the offences punishable under Sections 15, 16 and 15(IV) of Petroleum and Mineral Pipeline (Acquisition of Rights of User in L.D.) Act, 1962, Sections 3 and 4 of Explosive Substance Act, Sections 379, 413, 34, 117, 411, 420, 467, 468, 471, 120-B IPC and Sections 3 and 4 of PDPP Act, 1994 at Police Station Rampura, District Rewari.

2. The allegations in brief are that the police received information regarding theft of oil from Hindustan Petroleum Corporation Limited (in short, 'HPCL') pipeline. A complaint in this regard was also moved by Mahender Singh, Supervisor, Dattar Security Service Group who was having duty to safeguard the pipeline of HPCL. On reaching the spot, two valves (two inch) and one valve (one inch) were found there and it was

found that place where the incident of theft of oil from pipeline had taken place belongs to PWD. Resultantly, FIR in the present case was registered against unknown persons.

3. Counsel for the petitioner *inter alia* contends that the petitioners are falsely implicated in the present case and is in custody for the last more than 1 year and 3 months and during investigation, no incriminating article was recovered at the instance of the petitioner and as per prosecution version, the petitioners got recovered ₹ 19,000/- in cash. He further contends that after completion of investigation, challan has been presented but charges are yet to be framed; that similarly situated co-accused are granted concession of regular bail by this Court vide orders Annexures P-2 and P-3. So, prayer is made that the petitioner be released on regular bail.

4. Present petition is resisted by the State counsel who produced custody certificate of the petitioner. He further submits that the petitioner actively participated in the theft of oil from the pipeline belonging to HPCL. However, the State counsel has not disputed the fact that the petitioners are in custody for the last more than 1 year and 3 months and that the challan has been presented but trial is still to commence after framing of charges. State counsel on instructions from ASI Sanjay has not disputed the fact that cash worth ₹ 19,000/- was recovered at the instance of the petitioners and that co-accused were enlarged on bail vide orders Annexures P-2 and P-3 by this Court.

5. I have considered the submissions made by the counsel for the parties.

6. FIR in this case was registered against unknown persons who committed theft of oil from pipeline belonging to HPCL and later on, the petitioners were named as accused and are in custody for the last more than 5 months and the investigation is already complete but it will take considerable time for the trial to conclude. Further, similarly situated co-accused Nakul Bedi and Pawan are already given concession of regular bail vide orders Annexures P-2 and P-3.

7. Admittedly, in the instant case, there is no recovery of any stolen petroleum product or vehicle from the custody of the petitioners. Even alleged forged documents are not recovered from possession of the petitioner. In the given circumstances, no useful purpose is going to be served by keeping the petitioners in custody for any further period.

8. In view of the above, without commenting on the merits of the case, the present petition is allowed and the petitioners are ordered to be released on regular bail subject to their furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(**KARAMJIT SINGH**)
JUDGE

February 27, 2024
Paritosh Kumar

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