



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

CRM-M-14183-2024 (O&M)

Date of decision : 24.01.2025

Amit Rana

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Gulshan Nandwani, Advocate for the petitioner.

Mr. Ashok S. Chaudhry, Addl.A.G., 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. 264 dated 26.12.2021, under Sections 15, 16 & 15 (IV) of Petroleum & Minerals Pipe Lines Act (Acquisition of Right of Users in Land) Act, 1962; Sections 3 & 4 of Explosive Substances Act, 1908; Sections 120-B, 379, 117, 411, 413, 420, 467, 468, 471 read with Section 34 of Indian Penal Code, 1860 and Sections 3 & 4 Prevention of Damage to Public Property Act, 1994, registered at Police Station Rampura, District Rewari.

2. Custody certificate dated 23.01.2025 has been filed by learned State counsel, which is taken on record. Registry to tag the same at appropriate place.

3. Allegations are that petitioner in connivance with co-accused was indulged in theft of oil by way of attaching valve to main pipeline of complainant-HPCL.

4. Contends that petitioner was arrested in the present on 03.06.2023 and after remaining in custody for about 01 year and 06 months, this Court granted interim bail to him on 09.12.2024. Further contends that in pursuance of aforesaid order, he is regularly appearing before learned trial Court. Again contends that there is no allegation that petitioner is likely to misuse the concession and; or hamper the proceedings in any manner.



5. *Per contra*, learned State counsel, on instructions from quarter concerned, has acknowledged the above factual position and submits that petitioner has not misused the concession of interim bail till date.

6. Learned counsel for the complainant-HPCL 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.

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

8. This Court granted interim bail to the petitioner on 09.12.2024 in the following manner:-

“ *Short reply 03.12.2024 of Mr. Bonam Gowri Sankar, GM (Pipelines), Hindustan Petroleum Corporation Limited, on behalf of complainant has been filed and the same is taken on record. Copy supplied to the other side.*

Learned State counsel has produced custody certificate dated 05.12.2024 and the same is taken on record.

Registry to tag the same at appropriate place.

Contentends that petitioner is in custody since 03.06.2023; report under Section 173 Cr.P.C qua the petitioner was presented on 07.07.2023 and charges are yet to be considered by learned trial Court.

Per contra, learned State counsel seeks time to have instructions.

In the meanwhile, petitioner be released on interim bail in the present case, till the next date of hearing, on furnishing adequate bail and surety bonds subject to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

To be heard along with CRM-M-19993-2024.”

9. Learned State counsel has duly acknowledged that petitioner is regularly appearing before learned trial Court and there is no allegation that in case, interim bail is made absolute, he is likely to misuse the concession and; or hamper the proceedings in any manner. In such a scenario, sending the petitioner to custody at this stage would not serve any purpose.



10. Although learned counsel for the complainant vehemently opposed the prayer of petitioner, but in view of the fact that State of Haryana is not opposing the prayer of petitioner, objection raised by learned counsel for the complainant is rejected.
11. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 09.12.2024, 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.
12. Petitioner shall appear on each and every date of hearing and to fully cooperate with learned trial Court without seeking any unnecessary adjournment(s).
13. The above observations be not construed as an expression of opinion on merits of the case.
14. It is clarified that in case there is any misuse of concession by the petitioner, State would at liberty to move an appropriate application for recalling of this order.

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

24.01.2025
Harish Kumar

(MAHABIR SINGH SINDHU)
JUDGE

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