



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

CRM-M-19993-2024 (O&M)

Date of decision : 24.01.2025

Binder @ Virender

...Petitioner

Versus

State of Haryana

...Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Abhishek Goel, 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. 112 dated 10.04.2021, under Sections 15 & 16 of Petroleum & Mineral Pipe Line Act, 2021; 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; Section 25 of Arms Act, 1959 and Sections 3 & 4 Prevention of Damage to Public Property Act, 1994, registered at Police Station Bawal, District Rewari.

2. 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.

3. Contends that petitioner was arrested in the present on 21.01.2022 and after remaining in custody for about 2 years and 07 months, this Court granted interim bail to him on 22.08.2024. 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.



4. *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.

5. 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.

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

7. This Court granted interim bail to the petitioner on 22.08.2024 in the following manner:-

“ Main case

Contends that prime accused namely Nakul Bedi, from whom recovery of alleged tankers was effected, has already been granted regular bail by the Coordinate Bench of this Court vide order dated 28.04.2023 and that has not been challenged till date. Further contends that other co-accused have also been granted the concession of bail pending trial by this Court.

Learned State counsel seeks time to have instructions in the matter.

Posted for 03.10.2024.

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.”

8. 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.



9. 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.
10. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 22.08.2024, 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 and to fully cooperate with learned trial Court without seeking any unnecessary adjournment(s).
12. The above observations be not construed as an expression of opinion on merits of the case.
13. 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