

CRM-M-20730-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-20730-2025
Reserved on: 02.05.2025
Pronounced on: 19.05.2025

Krishan Kumar ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rishav Jain, Advocate and
Ms. Vasudha Sharma, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
43	28.02.2024	Rampura, District Rewari	268, 285, 286, 279, 427, 440, 120B r/w Section 34 IPC, Sections 7 & 6 of Essential Commodities Act 1955, Sections 3& 4 of Explosive Substances Act 1908, Section 15 of Petroleum & Pipe lines (ACQN of RTS of user in I.D.) Act 1962, Sections 3 &4 of Prevention of Damage to Public Property Act 1984 and Sections 3 & 4 of Motor Spirit & High Speed Diesel (Regulation of supply & Distribution & Prevention) Order 1998, (Sections 268, 440 IPC deleted)(Sections 3 & 4 of Prevention of Damage to Public Property Act 1984 have been deleted and Section 3(2) of Prevention of Damage to public Property Act 1984 have been added) (Section 6 of Essential Commodities Act 1955 has been deleted) Sections 3 & 4 of Motor Spirit & High Speed Diesel (Regulation of Supply & Distribution & Prevention order 1998 have been deleted)

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1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. As per paragraph 19 of the bail petition as well as para 19 of the status report, the accused has the following criminal antecedents:-

Sr. no.	FIR No.	Dated	Police Station	Sections
1	08	12.01.2019	Jui, District Bhiwani	148, 149, 186, 225, 332, 353, 506 IPC
2	254	02.11.2021	Ratia	379, 511, 201 IPC
3	380	29.10.2021	Sadar Fatehabad	379, 427, 201 IPC and 15/16 of Petroleum and Minerals Pipe Lines Act, 3, 4 of PDPP Act
4	50	22.02.2023	Kasola, District Rewari	379/511/34 IPC, 15/16 of Petroleum and Minerals Pipe Lines Act, Sections 1, 3, 4 of Explosives Substance Act, Sections 3 & 4 of PDPP Act
5	186	02.09.2021	Rampura, District Rewari	379/511/34 IPC and 15 of Petroleum and Minerals Pipe Lines Act, ¾ of Explosives Substance Act, Sections ¾ of PDPP Act, Section 4 of Essential Commodities Act

3. The facts and allegations are taken from the status report filed by the DySP, which reads as follows:

“That the facts leading to the registration of the FIR aforementioned are that the law was set in motion, a written complaint was moved by the Sachet Yadav, Assistant Manager (Main Line), IOCL, Rewari (the complainant), wherein he averred that on 28.02.2024 when guard Radhey Shyam was on patrolling duty he saw crude oil had been spilled near Rewari Panipat Section of the Mundra Panipat Pipe Line near Village, Bharawas and he further saw that two plastic pipes were going towards Rewari bye-pass Road from the said pipe line. Thereafter, the said guard informed the complainant who reached the spot and saw that there was a pit dug on IOCL ROW and the same was filled with plastic bags containing mud and when the same were removed, the complainant saw

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that a valve had been welded to the IOCL pipe line for committing theft of crude oil from the said pipe line. Legal action was sought. On the basis of these allegations the aforementioned FIR was registered and investigation was taken up in the matter.

4. That during the course of investigation, place of incident was inspected and site plan of the place of occurrence was prepared. The valve system and plastic pipe present at the place of incident were taken into police possession. The dump of mobile numbers, which were connected with concern tower location, were collected and analyzed. One mobile No. 8394989655 was found suspicious. From the perusal of the records, it transpired that the mobile No. 8394989655 was registered in the name of co-accused Awadhesh alias Deepu.”

4. The petitioner's counsel seeks bail on the ground that there is no evidence against the petitioner and he is unnecessarily harassed by the police to save the real culprits by involving the innocent people, just like that in the sea a big fish eats the small fishes. Further prays is for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail and submits that petitioner is a habitual offender and he is actively involved in the present case.

REASONING:

6. Analysis of the above arguments would lead to the following outcome.

7. It would be appropriate to refer to following portion of the reply, which reads as follows:-

“16. That the arrest of the petitioner is yet to be effected and his custodial interrogation is necessary to bring the investigation to a logical conclusion.

17. That as far as the role of the petitioner in the commission concerned, it is of the present submitted crime that the petitioner Krishan Kumar hatched a criminal conspiracy with the main accused namely Surya Prakash @ Monu and had actively participated in the present offence and he commission of the was tasked with transporting the stolen crude oil from the spot and for the said purpose he had contacted Sameer Pandey, who in turn contacted the Balwinder Singh for transporting the crude oil from the spot and thereafter on the night of 26.02.2024 the petitioner Prakash alongwith co-accused Surya Monu, Sameer Pandey and Balwinder Singh was very much present at the spot for transporting the

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stolen crude oil and he was in regular touch with master mind of the present case i.e. co-accused Surya Prakash @ Monu and hence he had played a vital role in the commission of the present offence.

18. That concededly, pursuance of the interim order passed by this Hon'ble court, the petitioner herein had been associated with the investigation of the present case on dated 28/29.04.2025. He was put to questions, however, he did not cooperate with the investigation and he was evasive to vital questions put to him and concocted false story and did not give proper explanation with regards to his affinity with the other co-accused and the details of the communication that had transpired between them. Further he did not disclose as to what was the payout he was assured by the co-accused and whether he got the same from them or not."

8. The gravity of offence is massive and tampering with oil pipe line is just like tampering with heart artery. Not only the accused person were able to create wall by building pipeline putting entire system to the risk. In addition to that petitioner has similar FIR which indicates towards his involvement and the investigation conducted so far is also pointing towards his involvement. It is not a case of regular bail where the accused is in judicial custody but for anticipatory bail, where as per the reply, petitioner did not cooperate with the investigator and offence is serious. As such considering the serious nature of offence where the petitioner has tampered with gas pipe line, petitioner's interrogation is required and he is not entitled to bail.

9. A perusal of the bail petition and the documents attached prima facie points towards the petitioner's involvement and does not make out a case for anticipatory bail. The impact of crime would also not justify anticipatory bail. Any further discussions will likely prejudice the petitioner; this court refrains from doing so.

10. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

11. **Petition dismissed.** Interim orders are recalled with immediate effect. All pending applications, if any, are disposed of.

(ANOOP CHITKARA)
JUDGE

19.05.2025
anju rani

Whether speaking/reasoned: Yes
Whether reportable: No.