



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

CRM-M-49934-2024 (O&M)

Date of decision : 24.01.2025

Brijesh @ Julfi

...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 (Acquisition of Rights of User 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; Sections 3 & 4 of Prevention of Damage to Public Property Act, 1994 and Section 25 of Arms Act, 1959, registered at Police Station Bawal, 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. Status report dated 17.01.2025 by way of affidavit of Sh. Surender Sheoran, HPS, Deputy Superintendent of Police, Bawal, District Rewari has been filed on behalf of respondent-State, which is taken on record. Copies supplied to the other sides. Registry to tag the same at appropriate place.

4. 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.

5. Contends that petitioner was arrested in the present on 22.03.2023 and after remaining in custody for about 01 year and 07 months, this Court



granted interim bail to him on 16.10.2024. 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.

6. *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.

7. 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.

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

9. This Court granted interim bail to the petitioner on 16.10.2024 in the following manner:-

“Custody certificate dated 15.10.2024 has been produced, which is taken on record. Registry to tag the same at appropriate place.

Contends that all similarly situated 17 co-accused have already been granted concession of bail pending trial by this Court.

Learned State counsel seeks time to verify the above factual position.

Posted for 16.12.2024.

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.”

10. 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.

11. 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.

12. Consequently, present petition is allowed. Interim bail granted to the petitioner, vide order dated 16.10.2024, 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.

13. Petitioner shall appear on each and every date of hearing and to fully cooperate with learned trial Court without seeking any unnecessary adjournment(s).

14. The above observations be not construed as an expression of opinion on merits of the case.

15. 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