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

CRM-M No.37991 of 2025

Date of Decision: 21.07.2025

Ajay @ Sagar @ Ajay Sagar

..... Petitioner

Versus

State of Haryana and another

..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Balvinder Sangwan, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

Ms. Promila Nain, Senior Panel Counsel
for respondent No.2.

RAJESH BHARDWAJ, J.

1. Present Second petition has been filed praying for the grant of anticipatory bail to the petitioner in case bearing FIR No.7, dated 25.12.2024, under Sections 3 & 4 of the Railway Property (Unlawful Possession) Act, 1966 and Sections 147, 153, 164 of the Railway Act, registered at Police Station R.P.F., District Palwal (Annexure P-1). Further prayer has been made for granting ad-interim bail to the petitioner during the pendency of the present petition.

2. The petitioner had earlier approached this Court praying for the grant of anticipatory bail by way of filing *CRM-M No.25183 of 2025*,



which was allowed to be dismissed as withdrawn with liberty to the petitioner to avail the alternative remedy as available to him in accordance with law vide order dated 27.05.2025.

3. Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in this case on the basis of disclosure statement of co-accused, which is not an admissible evidence. He has submitted that co-accused, namely, Pawan Dagar, had also approached this Court praying for the grant of anticipatory bail by way of filing *CRM-M No.7667 of 2025*, however the same was dismissed by this Court vide order dated 10.02.2025. But the co-accused, namely, Pawan Dagar, thereafter approached the Hon'ble Supreme Court by way of filing *SLP No.6696 of 2025* (Annexure P-5) and the Hon'ble Supreme Court vide order dated 02.05.2025, had granted the interim protection to co-accused, Pawan Dagar, which is as follows:

“Issue notice.

List on 12.08.2025.

In the meantime, no coercive steps shall be taken against the petitioner in connection with FIR No.7, dated 25.12.2024, registered at Police Station RPF, District Palwal, Haryana, subject to his cooperation in the investigation/trial.”

4. Learned counsel for the petitioner has submitted that the present second petition is maintainable and thus the petitioner deserves to be granted anticipatory bail.



5. Learned State counsel however has opposed the submissions made by learned counsel for the petitioner.

6. Learned counsel for respondent No.2 however has opposed the submissions made by learned counsel for the petitioner. She has submitted that the petitioner had committed a grave offence, wherein he along with the other co-accused had committed theft of 15114 litre diesel worth Rs.13,42,576.62/- from Railway Wagon. The recovery of stolen diesel is also to be effected. She has submitted that the other co-accused, namely, Deepak Rawat had also approached this Court by way of filing CRM-M-24763-2025 praying for the grant of bail, however, this Court had declined the same vide order dated 07.05.2025 and thus, co-accused, Deepak Rawat, assailed the same before the Hon'ble Supreme Court by way of filing SLP (Crl.) No.7644 of 2025 and the Hon'ble Supreme Court vide order dated 23.05.2025 has upheld the same. She has thus submitted that no case for the grant of anticipatory bail to the petitioner is made out and thus the present petition deserves to be dismissed.

7. The Court has heard learned counsel for the parties and perused the record with their able assistance.

8. It is apparent that this is the second petition filed by the petitioner praying for the grant of anticipatory bail. As per the allegations, the petitioner is involved in a serious offence wherein on 01.12.2024, a rack of 50 wagons loaded diesel was stationed at Piyala Railway Yard, where 15114 litre diesel was stolen from one wagon. The co-accused, namely, Vishal was arrested and during his interrogation, complicity of



the petitioner had surfaced. 1125 litre diesel was recovered by the investigating agencies and the remaining is yet to be recovered. Hon'ble the Supreme Court in SLP (CrI.) No.7644 of 2025 has already upheld the dismissal order of anticipatory bail of the petitioner passed by this Court. The order passed by the Hon'ble Supreme Court dated 23.05.2025 reads as under:

- “1. *Heard learned counsel for the parties.*
2. *In the facts and circumstances of the case, we are not satisfied that any case for grant of anticipatory bail is made out. Therefore, the Court below has not committed any error in dismissing the anticipatory bail application of the petitioner.*
3. *The present petition is dismissed with liberty to the petitioner to surrender and apply for regular bail, if so advised.*
4. *Pending application(s), if any, shall stand disposed of.”*

9. Thus keeping in view the above said position, this Court neither find the petition maintainable nor find any merit in the present petition and hence, the same is hereby dismissed. Pending application, if any, also stands dismissed.

21.07.2025

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

**(RAJESH BHARDWAJ)
JUDGE**