

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

CRM No. M-12399 of 2015 (O&M)

Date of Decision: 09.07.2015.

Sadhu Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Vivek Goel, Advocate for the petitioner.

Mr. Nikhil K. Chopra, DAG, Punjab.

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TEJINDER SINGH DHINDSA.J.

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking the concession of pre-arrest bail to the petitioner in case FIR No.59 dated 14.03.2011, under Section 406 IPC, registered at Police Station City Kotkapura, District Faridkot.

On 27.04.2015, while issuing notice of motion, the following order was passed by this Court:

“The instant petition has been filed under Section 438 Cr.P.C. seeking the concession of pre arrest bail to the petitioner in case FIR No.59 dated 14.03.2011, under Section 406 IPC, registered at Police Station City Kotkapura, District Faridkot.

Counsel would submit that the FIR in question was registered on a complaint made by District Manager, Markfed, Faridkot as regards misappropriation of 15150 bags of paddy pertaining to the year 2009-10 and having caused substantial financial loss to Markfed. The allegations were targeted against Baljeet Singh, sole proprietor of M/s Anand Industries, Focal Point Area, Kotkapura.

Counsel would submit that the present petitioner is

merely holding the post of Salesman with Markfed and was never in custody of the concerned bags of paddy and has been made a scapegoat in the inquiry proceedings with the ulterior objective of shielding the senior officials.

Notice of motion, returnable for 09.07.2015.

To be listed along with CRM No.M-12191 of 2015.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel upon instructions from ASI Gurdeep Singh would apprise the Court that the petitioner has since joined investigation. It has also gone uncontroverted that main accused, namely, Baljeet Singh, sole proprietor of M/s Anand Industries, Focal Point Area, Kotkapura has been granted the benefit of regular bail. That apart, observations contained in the notice of motion order have gone un rebutted.

Under such circumstances, custodial interrogation of the petitioner would not be warranted.

Accordingly, petition is allowed. Order dated 27.04.2015 is made absolute.

Disposed of.

09.07.2015

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**