

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

CRM-M-14974-2015

Date of Decision : July 07, 2015

Joginder Kumar and another

....Petitioners..

vs.

State of Punjab

....Respondent..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. Piyush Sharma, Advocate,
for the petitioners.

Mr. J.S. Sekhon, AAG, Punjab.

Mr. H.C. Arora, Advocate,
for the complainant.

Jaspal Singh, J. (Oral)

This is a petition under Section 439 of the Code of Criminal Procedure preferred by Joginder Kumar and Rajesh Kumar-petitioners seeking bail in case FIR No. 06, dated 22.01.2015, under Sections 420, 406, 465, 467, 468, 471 and 120-B IPC, registered at Police Station Khuian Sarwar District Fazilka.

Shortly put, the case of prosecution got registered at the instance of Biran Kataria against Rajesh Verma and Parmanand is that they were indulged in preparing forged bills of petrol and diesel amounting to ₹21 lacs and committed fraud. It has further been averred that Rajesh Verma-non-applicant was working as Manager at the petrol pump for the last 18/19 years whereas Parmanand-non-applicant was working as Clerk for the last 10 years. On January 13, 2015, stock of petrol pump was got checked and paucity of 70717 litres diesel and 4057

litres petrol was detected in the oil tanker. Thereafter, record of petrol pump was also checked, which revealed that forged bills were prepared in the names of six fictitious firms. Consequently, petitioners in connivance with their co-accused committed fraud with the complainant amounting to ₹60 lacs.

The contention of learned counsel for petitioners is that they have no concern whatsoever with the complainant or the petrol pump in question. Their names do not figure in the FIR. They have been falsely implicated in the instant case just being a close relation of alleged main accused Rajesh Verma (non-applicant), who is none else but brother-in-law (Jija) of petitioners.

During the course of arguments, it has only been submitted by learned State counsel as well as learned counsel for the complainant that petitioners in conspiracy with their co-accused visited petrol pump where they were handed over currency notes to the tune of ₹20 lacs by Rajesh Verma (non-applicant), who was earlier working as Manager at the petrol pump.

Here, it would be pertinent to mention that after the arrest of petitioners, they were subjected to custodial interrogation but nothing could be recovered at their instance. Both the petitioners were arrested in this case on March 27, 2015. Since then, they are suffering incarceration. Investigation is complete and report under Section 173 Cr.P.C. has already been presented against them as well as their co-accused. Disposal of challan is not likely in the near future.

Taking into consideration all these aspects of this case but without expressing any opinion on the merits of the case, petition is allowed and petitioners- Joginder Kumar and Rajesh Kumar are ordered to be released on bail, during pendency of trial, at the satisfaction of trial court/Duty Magistrate, Fazilka.

(JASPAL SINGH)
JUDGE

July 07, 2015
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