

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

CRM-M No.18915 of 2015

Date of decision: 17th August, 2015

Jiwan Jindal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. Whether to be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. V.B. Aggarwal, Advocate for the petitioner.

Mr. Deepak Sabharwal, Addl. Advocate General, Haryana.

FATEH DEEP SINGH, J. (ORAL)

Allegations against the petitioner Jiwan Jindal in this petition filed under Section 438 Cr.P.C. seeking anticipatory bail in a case FIR No.713 dated 04.09.2013 registered at Police Station City Jind under Sections 420/409 IPC are that while posted as Deputy General Manager of Haryana Agro Industries Corporation Limited during the period 2010-2012 has acted in a dishonest manner and has embezzled/usurped 2500 bags of rice valued at approximately ₹40.00 lacs at that time. Consequent upon constitution of a Committee, through report dated 01.08.2013 had given their findings against the petitioner.

The contentions of the learned counsel for the petitioner Mr.V.B. Aggarwal, Advocate that the inquiry has been conducted at the back of the petitioner and that one of the co-accused namely Mr.Pankaj Batra was one of the members of the Inquiry Committee and has drawn the attention of this Court to Annexure P4 arguing that the report is subject matter of challenge before this Court in another writ petition filed by the petitioner and has further placed reliance upon Annexures P12 regarding relinquishment of charge by the petitioner and Annexure P6 transfer order and has argued that the alleged shortage was discovered after a period of one year and three months.

The bail application is stoutly opposed by learned State counsel submitting that the bail application of similarly placed co-accused Sat Narain has been declined by this Court through orders dated 26.08.2014 passed in CRM-M No.6884 of 2014.

The contentions of the petitioner's counsel are matters which can be adequately gone into at the time of trial, seriousness of the offence and the fact that huge quantity of paddy of a public undertaking has been siphoned off and that the custodial interrogation of the petitioner in this case is very much necessary impels this Court to hold that no ground is made out to grant bail to the petitioner as the investigation cannot be stifled by allowing such a relief which is to be sparingly used. Thus, the present petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

August 17, 2015
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