

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl. Misc. No. M-27305 of 2015

DATE OF DECISION: 09.10.2015

Daljit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

BEFORE:- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

1. **Whether reporters of local newspaper may be allowed to see judgment? (Yes/No)**
2. **To be referred to reporters or not? (Yes/No)**
3. **Whether the judgment should be reported in the Digest? (Yes/No)**

Present:- Mrs. Baljit Mann, Advocate
for the petitioner.

Mrs. Ritu Punj, Addl. A.G., Punjab.

DAYA CHAUDHARY, J.

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case FIR No. 93 dated 22.9.2014 registered under Sections 420/467/468/409/201/120-B IPC at Police Station Bhikhi, District Mansa.

Learned counsel for the petitioner contends that initially four persons were named in the FIR but during the investigation, two persons were found innocent. Subsequently an application under Section 319 Cr.P.C. was moved by the prosecution for summoning of those two accused as an additional accused, which was allowed. Learned counsel further contends that after summoning of both the accused, de novo trial

has started and till now not even a single witness has been examined. Learned counsel also submits that the petitioner was given full charge of wheat crop for the years 2013-2014 and 2014-15 only of the Bhikhi Branch on 12.4.2014. Thereafter, the petitioner was directed by the then District Manager to handover 7 stacks of wheat crop for the years 2013-14 and 2014-15 each containing 2952 bags to three officials, namely Bhola Singh, Amandeep Bansal and Krishan Murari, who were in-charge of wheat crop during the period 2012-13 in order to make good the shortage of wheat pertaining to that year, which was already in their custody. When these bags were handed over to said persons, an intimation was also sent by the petitioner to the District Manager. It is also the argument of learned counsel that the petitioner has falsely been implicated, whereas, there was no lapse on his part and he cannot be held liable. The petitioner is in custody for the last more than one year.

Learned counsel for the respondent-State opposes the bail of the petitioner on the ground of seriousness of offence.

In view of the submissions made by learned counsel for the petitioner and also the fact that after summoning of two accused under Section 319 Cr.P.C., de novo trial has started; even a single witness has not been examined so far; the petitioner is in custody for the last more than one year; moreover the offences are triable by Magistrate and no purpose would be served by keeping the petitioner behind the bars, the present petition is allowed. Petitioner-Daljit Singh is directed to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of trial Court.

October 09, 2015
pooja

(DAYA CHAUDHARY)
JUDGE