

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

**C.R.M-M No.33049 of 2014
Date of Decision : 19.02.2015**

Tarsem Singh and another

..... Petitioners

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Achin Gupta, Advocate
for the petitioners.

Ms. Amarjit Kaur Khurana, Addl.A.G., Punjab.

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

AJAY TEWARI, J. (Oral)

This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners in case F.I.R. No.182 dated 18.07.2014 registered under Sections 420, 379, 201, 120-B IPC at Police Station Kotwali Faridkot, District Faridkot.

On 24.09.2014 the following order as passed:-

“Learned counsel has argued that it is wrong to suggest that the petitioners were labour contractors but they were only labourers and whatever they were doing was as per the direction given to them by the Supervisor.

Notice of motion.

On the asking of the Court, Mr. Sandeep Kumar Bansal,

A.A.G, Punjab, accepts notice on behalf of the respondent.

Learned counsel for the petitioners has supplied a copy of the petition to the learned A.A.G. today in Court itself.

Adjourned to 30.09.2014.”

Thereafter on 30.09.2014 the following order as passed:-

“This petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioners which dealt with misappropriation of the Paddy meant to have been loaded from the warehouses, in case FIR No.182 dated 18.07.2014 registered under Sections 420, 379, 201, 120-B IPC at Police Station Kotwali Faridkot, District Faridkot.

Learned counsel for the petitioners has argued that the petitioners were merely labourers who were loading the truck as per the directions given to them. He has further argued that the trial Court has wrongly taken them to be the Labour Contractors.

Learned Additional Advocate General on instructions from ASI Kaur Singh states that the truck driver was apprehended and he had informed the police about the present petitioners.

Learned counsel for the petitioners has prayed that the petitioners may be given one opportunity to appear before the investigating officer and to prove to him that they are not Labour Contractors and in case they are not able to satisfy the investigating officer their anticipatory bail may be rejected.

Learned Additional Advocate General has stated that though as per the information of the police the petitioners are Labour Contractors yet she would not oppose the limited prayer being made by the learned counsel for the petitioners.

In the circumstances, it is directed that the petitioners appear before the investigating officer on 04.10.2014 and would show to the investigating officer that they have nothing

to do with the alleged crime or that they are not Labour Contractors or Pradhan.

Adjourned to 14.10.2014.

In the meantime, arrest of the petitioners shall remain stayed.”

Thereafter on 14.10.2014 the following order as passed:-

“Learned Additional Advocate General on instructions from ASI Kaur Singh states that as per the verification made by the police the petitioners were labour contractors and not merely labourers and seeks a short adjournment to file affidavit in this regard.

Adjourned to 04.11.2014.

Interim order to continue.”

Thereafter on 04.11.2014 the following order was passed:-

“Reply by way of short affidavit of Vishaljit Singh, Deputy Superintendent of Police, Sub Division, Faridkot has been filed. Taken on record. Copy supplied.

Adjourned to 20.11.2014.

Interim order to continue.”

As per the affidavit of Vishaljit Singh, DSP there are various evidence which do indicate at least prima-facie that the petitioners may not be innocent as they are projected.

I do not want to comment on merits so as to not prejudice any of the party but in view of the entire conspectus of facts, where the allegation is of illegal diversion of Government rice, case for anticipatory bail is not made out.

Petition is dismissed.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

February 19, 2015
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(AJAY TEWARI)
JUDGE