

CRM-M-41098 of 2014
Date of Decision:22.1.2015

Setdev

---Petitioner

versus

State of Punjab

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr.Rakesh Gupta, Advocate
for the petitioner

Mr. Gazi Mohammad, DAG, Punjab
for the respondent-State

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

REKHA MITTAL, J.

The petitioner prays for grant of pre arrest bail in FIR No. 351 dated 31.10.2014 registered at Police Station, Tripuri Town, Patiala, District Patiala for offence punishable under Sections 420, 409, 120-B of the Indian Penal Code.

As per allegations, on 31.10.2014, ASI Karamvir Singh received secret information that Jaspal Singh alias Pala son of Sukhdev Singh, Karam Singh son of Jeet Singh, Balwinder Singh, Junior Engineer, Electricity Board and Yogeshwar Kumar, contractor of the Electricity Board in connivance with each other are selling cement to general public which is supplied for construction of grid and tower lines. Jaspal Singh and Karam

Singh after loading cement in truck No. PB-11BK-2177 are coming towards village Majari Kalawa to sell the same. On the basis of secret information, formal FIR was registered and thereafter, nakabandi was laid on the road going from village Baran to village Majari Kalwa. The aforesaid truck was intercepted and 300 bags of cement were recovered. Jaspal Singh and Karam Singh were arrested at the spot.

Counsel for the petitioner would contend that the petitioner is not named in the FIR and Balwinder Singh, Junior Engineer, has been accused of conniving with other accused for misappropriating the material (cement) meant for use in construction of grid and tower lines of the Electricity Board. It is further submitted that the alleged recovery has already been effected, therefore, custodial interrogation of the petitioner is not required and he is ready to face proceedings without any default.

Counsel for the State has submitted that cement in question was got issued by the present petitioner working as Junior Engineer with the Electricity Board. The said material was meant for construction of grid and tower lines at Pakhowal Sudhar in Ludhiana but the same was recovered at a place near Patiala and was being diverted for misuse. The petitioner connived with his co-accused in order to cause loss to the Electricity Board and gain to himself. The petitioner has been placed under suspension for the alleged misconduct and his custodial interrogation is required for progress in investigation.

I have heard counsel for the parties and perused the records.

Keeping in view seriousness of allegations against the

petitioner that he connived with the contractor of the Electricity Board to misappropriate property of a public body, I do not find it to be a fit case wherein the petitioner deserves bail in anticipation of arrest, a concession to allowed if a false case has been registered due to political vendetta or to satisfy some ulterior design.

For the reasons aforesaid, the petition is dismissed.

(REKHA MITTAL)
JUDGE

22.1.2015
PARAMJIT