

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.

Crl.Misc. No.M-5306 of 2015
Date of Decision : 2.3.2015

Arun Jain

.....Petitioner

Vs.

State of Punjab

.....Respondent

...

CORAM : HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

...

Present : Ms. Baljit Mann, Advocate for the petitioner.
Mr. K.D. Sachdeva, Addl. A.G., Punjab.

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1. To be referred to the Reporter or not ?
2. Whether the judgement should be reported in Digest ?

RAMESHWAR SINGH MALIK, J

Petitioner seeks anticipatory bail in FIR No.131 dated 12.11.2014 under Sections 406/420 IPC at Police Station badhni Kalan, Distt. Moga.

Learned counsel for the petitioner submits that at the most, it was a civil liability and petitioner will be proceeded against in accordance with law. He shall also be facing the criminal trial in the present case. She submits that custodial interrogation of the petitioner would not be required in the present case. Learned counsel for the petitioner further submits that petitioner was a sleeping partner and was not responsible for running the day to day affairs of the business.

On the other hand, learned counsel for the State submits that a huge quantity of paddy was found missing and it was the petitioner, was who signatory to the agreement with the authorities of the Markfed. He prays for dismissal of the

petition.

Having heard learned counsel for the parties at considerable length and after careful perusal of the record of the case, this court is of the considered view that the petitioner deserves anticipatory bail. Learned counsel for the petitioner has been found right in contending that petitioner would be responsible for financial liability, if at all and would be proceeded against in accordance with law. So far as the custodial interrogation of the petitioner is concerned, the same is not required .

In view of the above, in the event of his arrest, petitioner shall be released on anticipatory bail to the satisfaction of the arresting officer. However, it is made clear that the petitioner shall join the investigation as and when required by the investigating officer. The release of the petitioner on anticipatory bail shall also be subject to the conditions as envisaged under Section 438 (2) of the Code of Criminal Procedure.

Disposed of, accordingly.

2.3.2015
GS

(RAMESHWAR SINGH MALIK)
JUDGE