

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. Nos.20851-52-2016 in/and
Criminal Misc. No.M-10125 of 2016
Date of Decision: 14.07.2016

Mulakh Raj

...Petitioner(s)

Versus

State of Punjab

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

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

Present:- Mr. Vipin Mahajan, Advocate for the petitioner.

Mr. Arshdeep Singh Kler, DAG, Punjab.

HARI PAL VERMA, J. (OraL)

CRM-20851-2016:

The application is allowed as prayed for.

CRM-20282-2016:

The application is allowed. Documents Annexures P-18 and P-19 i.e. report of the Committee as well as internal departmental correspondence dated 24.6.2014 are taken on record subject to all just exceptions.

Main Petition:

Prayer in the present petition filed under Section 439 of the Code of Criminal Procedure, 1973 is for grant of regular bail to the petitioner in case FIR No.116 dated 2.7.2014 under Section 409 IPC read with Section 13(1) of the Prevention of Corruption Act, 1988 registered at Police Station Civil Line, Batala, Police District Batala, District Gurdaspur.

Learned counsel for the petitioner contends that the earlier, the petitioner had filed a petition i.e. CRM-M-38607-2015 for grant of regular bail, which was dismissed as withdrawn on 3.12.2015. He submits that the FIR in the case was registered on 2.7.2014 after the retirement of the petitioner on 31.3.2014. He submits that the petitioner had joined the Batala Centre on 28.5.2012 and the stock in question was already damaged. Even otherwise, the officials who were posted in the depot, did not take charge from the petitioner, on the premises that the stock in question was of poor quality. He submits that the petitioner is in custody since 23.7.2015 and as against the total 23 witnesses cited by the prosecution, not even a single witness has been examined so far and thus, the trial will take sufficiently long time.

Learned State counsel, on instructions from HC Bhupinder Singh, states that the petitioner was Inspector in the depot and he being the in charge, was required to take care of the stock, but he embezzled with the huge quantity of the wheat stock to the tune of approximately 14271 bags.

I have heard learned counsel for the parties.

There is no dispute that the FIR in question was registered after the retirement of the petitioner, however, the other employees who

were posted in the same depot did not take charge from the petitioner, as the stock in question was of poor quality. The fact that at whose behest the stock deteriorated, is yet to be decided during the course of trial.

Considering the fact that the petitioner is in custody since 23.7.2015 and out of the total 23 prosecution witnesses, not even a single witness has been examined so far and thus, the trial will take sufficiently long time, the present petition is allowed. The petitioner is admitted on regular bail subject to furnishing of his bail bonds/surety bonds to the satisfaction of Chief Judicial Magistrate/Duty Magistrate, Gurdaspur.

It is made clear that expression made hereinabove shall not be construed as any opinion on the merits of the case.

July 14, 2016
AK

(HARI PAL VERMA)
JUDGE