

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

CRM-M-32486-2016 (O&M)

Date of decision : 06.10.2016

Harnail Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Anurag Chopra, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by Sham Lal.

None for respondent No.2.

JITENDRA CHAUHAN, J. (Oral)

The petitioner seeks pre-arrest bail in case FIR No.104 dated 04.07.2012, registered under Sections 406, 420 and 120-B of the Indian Penal Code, at P.S. City Khanna, District Ludhiana.

Learned counsel contends that there is a delay of more than eight months in lodging the instant FIR. Three inquiries were conducted by the investigating agencies and in all the inquiries, the petitioner was found innocent. He further refers to the order passed by this Court on 18.09.2013, in CRM-M-23869-2013, the first bail petition moved by the petitioner, wherein, learned State counsel made a statement before the Court that the petitioner had been declared innocent and therefore, the petition was dismissed as not pressed. He further states that in the inquiry report prepared by the Deputy Superintendent of Police, Khanna, dated 12.02.2013, it was found that respondent No.2-Raj Kumar Sood, himself

booked paddy bags to be transported to Tangra Centre and made entries in the builties. The petitioner has joined the investigation in terms of the orders passed by this Court.

On the other hand, learned State counsel has opposed the instant petition. She, on instructions, states that though the petitioner has joined the investigation but recovery of Rupees six lacs fifty thousand, i.e. the worth of the paddy which has been misappropriated, is to be recovered from the petitioner.

Heard.

It is evident from the record that in the earlier inquiries conducted by the prosecuting agency, no incriminating evidence was collected against the petitioner, whereas, respondent No.2-complainant is stated to have played the mischief. The complainant has filed another FIR No.112 dated 10.05.2014, on the same allegations pertaining to the same incident, wherein, the petitioner has been granted pre-arrest bail by this Court on 09.09.2014. Further investigation is being conducted. The petitioner has already joined the investigation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 16.09.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

The petition stands allowed.

06.10.2016

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(JITENDRA CHAUHAN)

JUDGE

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No

ATUL SETHI
2016.10.06 18:20
I attest to the accuracy and
authenticity of this document
Chandigarh