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

**Date of decision: August 11, 2016
CRM-M-34171 of 2015 (O&M)**

Punjab Agro Food Corporation Ltd.

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CRM-M-9418 of 2016

Punjab Agro Food Corporation Ltd.

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Mrigank Sharma, Advocate for
Mr. P.K. Sekhon, Advocate
for the petitioner.

Ms. Rajni Gupta, Addl. AG Punjab.

Mr. R.S. Bains, Advocate
for respondents No.2 and 3 (in CRM-M-34171 of 2015)
and for respondent No.2 (in CRM-M-9418 of 2016).

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties at length.

These are the petitions for cancellation of the regular bail
that was granted to respondents No.2 and 3 (in CRM-M-34171 of
2015) by the Additional Sessions Judge, Moga vide order dated
30.07.2015 and respondent No.2 (in CRM-M-9418 of 2016) vide order
dated 08.12.2015.

Learned counsel for the petitioner vehemently contended

that respondents No.2 and 3 (in CRM-M-34171 of 2015) and respondent No.2 (in CRM-M-9418 of 2016) (hereinafter referred to as 'private respondents-accused') had committed fraud and cheating and therefore, FIR in question was lodged by the petitioner-Corporation with the Police Station Ajitwal, District Moga on 15.07.2014. He further submits that despite registration of the complaint with the Police Station on 15.07.2014, the police did not move an inch and arrested private respondents-accused only on 02.07.2015 and 21.11.2015. They were released by the Sessions Court by way of regular bail on 30.07.2015 and 08.12.2015.

Learned State counsel submits that the challan has been filed before the competent Court.

Learned counsel for private respondents-accused states that after obtaining bail on 13.07.2015 and 08.12.2015, they never misused the same nor have tampered with any evidence and therefore, there is no occasion for this Court to cancel the bail granted to private respondents-accused.

Learned counsel for the petitioner submits that fraud runs into crores of rupees, namely around ₹7 crores and the petitioner-Corporation being a Government corporation is said to have put at loss. Therefore, the Sessions Court should not have granted any relief. He further, submits that the Sessions Court, for no reasons, made observations that no offence under Section 420 I.P.C. were constituted which, according to him, would effect adversely.

Having heard learned counsel for the rival parties and upon perusal of the record and having kept in mind that the challan has been filed before the competent Court and the further fact that private respondents-accused have never alleged to have misused the liberty and tampered with the prosecution evidence, I think it will be too late to cancel the bail already granted to them by the learned Sessions Court. That is all the more so that there is no complaint of misuse of bail by him. The trial would now start since the challan has been eventually filed. At the same time, the observations made by the learned Sessions Judge on merits of the offence registered are therefore, removed from the order so that the same does not influence any Court or the Arbitrator or the Authority.

Learned counsel for the petitioner states that the arbitration proceedings are on but he does not know whether by way of interim measure Section 9 of Arbitration and Conciliation Act, 1996 has been resorted to by the petitioner.

Be that as it may, in the light of the above factual background, petitions seeking cancellation of regular bail is not being entertained and is thus, rejected.

Petitions stand dismissed.

(A.B. CHAUDHARI)
JUDGE

August 11, 2016

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No