

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

**CRM-M No.37576 of 2015 (O&M)
Date of Decision: 28.01.2016**

Iqbal Singh

..... Petitioner

Vs.

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Aman Dhir, Advocate for the applicant/petitioner.

Mr. Mikhail Kad, Assistant Advocate General, Punjab
for the respondent/State assisted by ASI Surjeet Singh.

JASWANT SINGH, J. (Oral)

CRM No.1531 of 2016

The prayer in the present application under Section 482 Cr.P.C. is for modification/addition of the offence under Section 409, IPC as well, both in the title and the relief clause.

Application is allowed.

In the title and the relief clause, the offence under Section 409, IPC be also read.

CRM-M No.37576 of 2015

Present petition is for grant of regular bail under Section 439 Cr.P.C. to the petitioner in case FIR No.52 dated 05.04.2011, under Sections 420, 406 and 409 of the Indian Penal Code, registered with Police Station Sadar Fazilka, District Ferozepur.

The petitioner was awarded a contract by the Markfed for the storage and maintenance of the wheat stocks for the Season 2009-2010.

Thereafter, it was extended.

On verification of stocks, there was a shortage of 10272 wheat bags worth Rs.77,65,987/-. Accordingly, the FIR was lodged against the petitioner and the official of the Markfed, namely, Charanjit Singh.

It is submitted that the petitioner is in custody since 23.04.2015 and after completion of the investigation, challan has been presented on 25.06.2015. It is further submitted that the co-accused/non-applicant-Charanjit Singh, who was jointly responsible for the custody of the wheat stocks along with the petitioner, has since been granted regular bail by the trial Court, vide order dated 20.01.2014 (**Annexure P-3**).

Learned State Counsel, assisted by ASI Surjeet Singh, is unable to refute the contention qua grant of bail to the co-accused/non-applicant-Charanjit Singh.

Without commenting on the merits of the case, keeping in view the parity of treatment; custody period and the facts as noticed above, this Court finds that petitioner/accused deserves the concession of regular bail and as such he is ordered to be released on bail to the satisfaction of CJM/Duty Magistrate concerned.

Disposed of.

January 28, 2016

Gagan

(JASWANT SINGH)
JUDGE