

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

(203)

CRM-M-37944-2015

Decided on: March 15, 2016.

Jasvir Singh

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. Sunny K. Singla, Advocate, for the petitioner.

Ms. Harpreet Kaur Athwal, DAG, Punjab.

M.M.S. BEDI, J (ORAL)

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Harwinder Singh Grewal, an employee of MARKFED alleging that the petitioner along with other co-accused had entered into the building of sheller and confined the watchman in a room snatched his mobile phone and had taken away the paddy stolen in the sheller.

Learned counsel for the petitioner has vehemently contended that the petitioner was not named in FIR and has been falsely implicated in the case.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the police record brought by ASI Jagroop Singh.

The petitioner had been booked in another case registered at the instance of DFSC Ludhiana alleging that though M/s Talwandi Rice Mill was defaulter of MARKFED but the officials of MARKFED issued no objection certificate for the allotment of paddy to its sister concern M/s Rajoana Agro Industries, in contravention to the rules. So far as the petitioner is concerned,

he has allegedly forged a partnership deed with Parminder Singh and obtained paddy for firm M/s Rajoana Agro Industries.

Application for pre-arrest bail filed by the petitioner in the said case has been dismissed by this Court on 10.02.2016.

Learned counsel for the petitioner has argued that the present case has been wrongly registered by the employees of the MARKFED.

Perusal of the police file indicates that the statement of one Jatinder Goyal has been recorded who has specifically named the petitioner in the occurrence of committing theft of the stocks while his mother Ajaib Kaur has shifted to U.S.A. The petitioner is alleged to have forged the signatures of his mother also in the connected case.

I have considered the facts and circumstances of the case.

There are serious allegations against the petitioner of having committed theft of paddy which was subject matter of an agreement of shelling entered into between MARKFED and M/s Rajoana Agro Industries a partnership concern.

Though the petitioner has joined investigation but the paddy stolen by the petitioner has not yet been recovered. Taking into consideration the pendency of another case and the conduct of the petitioner, he is not found entitled to extraordinary relief under Section 438 Cr.P.C.

Petition is dismissed without prejudice to the right of the petitioner to seek concession of regular bail in accordance with law by surrendering before the competent authority.

(M.M.S. BEDI)
JUDGE

March 15, 2016
harsha