

*IN THE HIGH COURT FOR THE STATES OF PUNJAB
AND HARYANA AT CHANDIGARH.*

Cr. Misc. M 39771 of 2015
Date of decision:- 10.2.2016

Jasvir Singh

Petitioner

vs.

State of Punjab

Respondent

Present: Mr. Sunny Singla, Advocate.
Mr. Jashapreet Singh, AAG, Punjab.

M.M.S.BEDI,J.

The petitioner seeks the concession of pre-arrest bail in 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 contrary to the rules. So far as the petitioner is concerned, he along with co-accused forged a partnership deed and wrongly got allotted paddy in connivance with Markfed officials and later on embezzled the said paddy and caused loss to the tune of Rs.59 lacs to the Markfed.

Counsel for the petitioner submits that as a matter of fact it is Parmidner Singh, who has committed offence, if any, as he along with Ajaib Kaur is shown to be partners of M/S Rajoana Agro Industries, the firm which was allotted the paddy for milling.

I have heard counsel for the petitioner and gone through the facts and circumstances of the case and also perused the police file. So far as Parminder Singh is concerned, he along with Ajaib Kaur had, on the basis of forged signatures of Ajaib Kaur, constituted a new firm in place of

black listed firm M/S Talwandi Rice Mill. Parminder Singh is stated to be an absconder. The petitioner is admittedly the son of Ajaib Kaur, who at present is residing in USA and was also not in India when the allotment of paddy was made and offence was committed. A perusal of the police file indicates that it is the petitioner, who has received the paddy and signed the relevant documents for M/S Rajoana Agro Industries in the capacity as a partner.

I have also considered the contention of counsel for the petitioner that the petitioner has not even signed the documents, which bears the signatures of Jasvir Singh. The said contention cannot be considered at this stage. Counsel for the petitioner has also submitted that Gurmail Singh and Balraj Singh have been granted the concession of pre-arrest bail. The petitioner cannot seek parity with the said two persons as the only allegation against them is that they had witnessed the power of attorney executed by Ajaib Kaur. Since there are no allegations of misappropriation of any money qua them and they are simply alleged to be conspirators, the petitioner cannot seek parity for pre-arrest bail.

In view of no recovery having been made till date and other partner of the petitioner Ajaib Kaur being not in India; co-accused of the petitioner Parminder Singh having been able to evade participation in the investigation, no extra ordinary exceptional circumstances exist to grant the concession of pre-arrest bail to the petitioner. All the pleas raised by the petitioner in this petition may constitute a good ground for grant of regular bail, but I do not find any ground to grant him the concession of pre-arrest bail.

Dismissed.

February 10 ,2016

(M.M.S.BEDI)
JUDGE

