

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-40050 of 2016
Date of Decision: 12.01.2017

Amar Nath

.....Petitioner

VERSUS

State of Punjab

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

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

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to petitioner in case FIR No. 50 dated 31.03.2016 registered for offences punishable under Sections 420, 120-B IPC read with Section 7 of the Essential Commodities Act at Police Station Patran, District Patiala.

Heard.

Learned counsel for the petitioner submits that instant FIR was registered at Police Station Patran on receipt of secret information against accused Baldev Singh, Sanjay Kumar and Jonny Kumar on the allegation that they after purchasing the wheat from depot of the petitioner have been selling it at cheaper rate. The stock of petitioner on inspection was found in order as per report (Annexure P-2). There is no evidence with the police that petitioner had been siphoning of the wheat supplied to him for public distribution.

Learned State counsel submits that on arrest of other accused named in the FIR, a disclosure statement was made by them that they had

purchased the wheat recovered from them from depot of the petitioner.

The case is based on documentary evidence. The petitioner has already joined the investigation and is on interim bail under order dated 10.11.2016.

Keeping in view the above facts and without expressing any opinion on merits of the case, I find it to be a fit case to extend the benefit of pre-arrest bail. Order dated 10.11.2016 allowing interim bail to the petitioner is made absolute till the presentation of challan, subject to the following terms:-

- (i) that petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that petitioner shall not leave India without the prior permission of the Court.
- (iv) that petitioner will seek regular bail on the presentation of challan in Court.

January 12, 2017

jk

**(SURINDER GUPTA)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No