

In the High Court of Punjab & Haryana at Chandigarh.

CRM-M-8605-2017

Date of decision: 23.05.2017

Desraj Singh

..... Petitioner.

V/S

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.PBS Goraya, Advocate for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab.

Mr. Anupam Singla, Advocate, for the complainant.

DEEPAK SIBAL.J.(ORAL)

Through the present petition filed under Section 439 Cr.P.C., the petitioner seeks the concession of regular bail in FIR No. 66 dated 24.09.2014, registered under Section 406 IPC, at Police Station Nandgarh, District Bathinda.

Seeking regular bail of the petitioner, learned counsel submits that the petitioner has been in custody since 24.09.2016; challan has already been filed by the police; since none of the 22 witnesses cited by the prosecution have been examined till date the trial is likely to take a long time to conclude and that whether the petitioner had misappropriated the paddy, as alleged, would be deciphered only during the course of trial.

Learned State counsel as also learned counsel for the complainant have opposed the grant of bail to the petitioner on the ground that there are serious allegations against the petitioner of having misappropriated paddy worth approximately ₹4 crores which was ultimately to be infused in the public distribution system.

Since, the petitioner has already been in custody for over 8 months; the trial is not likely to conclude in the near future as 22 witnesses cited by the prosecution still remain to be examined and whether the petitioner has misappropriated the paddy or not would be deciphered only during the course of trial, I am of the opinion that the petitioner deserves to be admitted to regular bail.

Bail to the satisfaction of the trial Court.

Since the petitioner is alleged to have misappropriated paddy worth about ₹4 crores, the trial Court shall insist upon heavy local sureties.

Nothing observed hereinabove shall be considered to be an expression of opinion by this Court on the merits of the case.

If the petitioner, during the period he is on bail, is found indulging in any criminal activity, tampering of evidence or influencing of witnesses etc., the State/complainant would be at liberty to seek cancellation of bail granted to the petitioner by this Court.

23.05.2017
smriti

(DEEPAK SIBAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No