

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

**CRM-M No.34442 of 2015 (O&M)
Decided on: 31.05.2018**

Punjab Agro Food Grains Corporation Limited

....Petitioner

Versus

Manoj Jain and others

....Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. Anupam Singla, Advocate
and Mr. Sushil K. Teriwal, Advocate
for the petitioner.

Mr. Mohan S. Chauhan, Advocate
for respondent No.1.

Mr. Abhay Pal Singh Gill, AAG, Punjab
for respondent No.2.

Ms. Kaavya Jariyal, Advocate
for Mr. Sumeet Goel, Advocate
for respondent No.3.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for cancellation of regular bail granted to respondent No.1 vide order dated 30.07.2015 (Annexure P2) passed by the Additional Sessions Judge, Moga in FIR No.66 dated 15.07.2014 registered under Sections 420 and 406 IPC at Police Station Ajitwal, District Moga.

The present petition is pending since 2015 and in the intervening period, the challan has been presented against respondent No.1 namely Manoj Jain.

Counsel for the petitioner has submitted that since the

amount involved in the present FIR is more than Rs.10 crores, therefore, there was no justification for the Additional Sessions Judge to grant regular bail to respondent No.1. It is further submitted that the Additional Sessions Judge in the order granting bail to respondent No.1 – Manoj Jain, has observed that the provisions of Section 420 IPC do not seem to be attracted and that since there is an arbitration clause in the agreement between the petitioner and accused – Manoj Jain, therefore, the matter is of civil nature.

Counsel for the State, on instructions from ASI Resham Singh, assisted with counsel for the respondents No.1 and 3 has submitted that supplementary challan has also been presented against the petitioner and other co-accused namely Kulwant and Rakesh Raj Palta and even, the departmental proceedings have been initiated against one of the employee of Punjab Agro Food Grains Corporation Limited i.e. the petitioner. It is further submitted that the next date of hearing fixed before the trial Court is 09.08.2018.

After hearing the counsel for the parties, I find no ground to cancel the bail granted to respondent No.1/accused namely Manoj Jain, for the following reasons:-

(a) It is not the case of the petitioner that in the intervening period of about 03 years, respondent No.1 has misused the concession of bail or has tried to tamper with the evidence of the prosecution.

(b) It is also not the case of the petitioner that the accused/respondent No.1 is involved in any other case of similar nature.

(c) The only reason given in the present petition is that since the loss caused to the petitioner is more than

Rs.10 crores, the regular bail has been wrongly granted to respondent No.1, however, I do not agree with the arguments raised by counsel for the petitioner as the offences are triable by the Court of Magistrate and it is well settled principle of law that an accused person cannot be kept in judicial custody for unlimited period.

In view of the above, I find no merit in the present petition for cancelling the bail of respondent No.1 after a lapse of about 02 years and 10 months and accordingly, the same is dismissed, however, it is clarified that the observation made by the Additional Sessions Judge in the order (Annexure P2) granting bail to respondent No.1 that Section 420 IPC does not seems to be attracted or that the matter is of civil nature, will not have any bearing on merits of the case.

(ARVIND SINGH SANGWAN)
JUDGE

31.05.2018
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No