

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-38554 of 2018

.....

Date of decision:17.10.2018

Sanjeev Kumar Goyal alias Hari Om

.....Petitioner

v.

State of Punjab

.....Respondent

....

Present: Mr. Raghav Gulati, Advocate for the petitioner.

Mr. Pawan Sharda, Senior Deputy Advocate General, Punjab
for the respondent-State.

.....

Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.0107 dated 11.5.2018 registered for the offences under Sections 406, 420 and 120-B IPC and (Sections 465, 467, 468 and 471 IPC and Section 13(2) of the Prevention of Corruption Act, 1988, which were added later on) at Police Station City Faridkot, District Faridkot.

Notice of motion has been issued in this case.

Mr. Pawan Sharda, learned Senior Deputy Advocate General, Punjab has put in appearance on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

Learned counsel for the petitioner submitted that FIR in

question has been mainly lodged against M/s R.G. Traders owned by Gurjant Singh being its sole proprietor. The allegation against M/s R.G. Traders is for misappropriation of 18,122 bags of wheat, having an estimated cost of more than ₹1,50,00,000/-. The present petitioner is not named in the FIR nor there is any allegation of misappropriation against him. The only allegation against the present petitioner is that an amount of ₹4.5 Lakhs has been transferred by way of RTGS in the bank account of the petitioner by M/s R.G. Traders. The learned counsel for the petitioner submitted that the present petitioner has professional dealings being commission agent with M/s R.G. Traders.

The petitioner has already joined the investigation. He is not required for custodial interrogation. Nothing is to be recovered from him. No useful purpose will be served by sending the petitioner to custody.

Keeping in view the facts and circumstances of the present case; without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find merit in this petition and the same is allowed. The interim order dated 5.9.2018 passed by this Court granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

October 17, 2018.

(Inderjit Singh)
Judge

hsp

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