

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-46357 of 2018

DATE OF DECISION: DECEMBER 4, 2018

JEEWAN KUMAR @JIWAN KUMAR ...PETITIONER

VERSUS

STATE OF PUNJAB ...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. AAKASH SINGLA, ADVOCATE FOR THE PETITIONER.
MR. NIKHIL CHOPRA, ADDL.A.G., PUNJAB.

MANOJ BAJAJ, J.

This petition has been filed seeking regular bail in case FIR No.190 dated 27.8.2016 under Section 406, 120-B, 420 IPC, PS Civil Lines, Batala. The petitioner is stated to be in custody since his arrest on 13.8.2018.

The FIR was registered on a complaint given by Magwinder Singh, Inspector, Food Supplies, Batala on the allegations that 13,000 paddy bags were sent to M/s Noor Agro Industries, Sherpur through M/s Kahlo Transport Company in November, 2015. It is alleged that now after a period of 6 months, the owner of the Sheller is refusing the receipt of 13,000 bags of paddy. On these allegations of embezzlement pertaining to the paddy for the crop year 2015-16, FIR has been registered against the petitioner.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated as it is a case where there was no entrustment and therefore, there is no question of misappropriation.

On the other hand, the petitioner's application is being opposed by the learned counsel for the State on the ground that the offence is serious

and after investigation, challan against the petitioner has been filed under Section 406, 120-B and 420 IPC.

The investigation of the case is complete as the challan stands filed before the Court. The offences are triable by the Magistrate and the conclusion of trial will also take some time. Considering the above background, further custody of the petitioner, who is in judicial custody is not justifiable. Therefore, without commenting upon the merits of the case, the petitioner is ordered to be released on bail upon his furnishing requisite bails bonds and surety bonds to the satisfaction of the concerned trial Court/Illaqa Magistrate.

Petition is allowed.

December 4, 2018
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No