

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 07.03.2018

1. CRM-M-49774-2017

Jora Singh

... Petitioner

Vs.

State of Punjab

... Respondent

2. CRM-M-49776-2017

Gurmeet Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. K.S. Chahal, Advocate
for the petitioner (in both petitions).

Ms. Samina Dhir, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Petitioner Jora Singh has filed second petition for anticipatory bail i.e. CRM-M-49774-2017, whereas petitioner Gurmeet Singh has filed CRM-M-49776-2017 for anticipatory bail in FIR No.177 dated 26.09.2017 under Sections 409, 465, 467, 468 IPC, registered at Police Station City Sunam, District Sangrur.

At the very outset, it may be noticed that first petition for anticipatory bail filed by petitioner Jora Singh was dismissed as withdrawn on

07.11.2017 but no permission was granted to file fresh petition for anticipatory bail.

Learned counsel for the petitioners has submitted that petitioner Jora Singh is a Salesman, whereas petitioner Gurmeet Singh is Field Officer in MARKFED. Counsel for the petitioners has further submitted that as per the allegations in the FIR, it is stated that there is shortage of various articles as detailed in the FIR and both the petitioners were incharge and in possession of the articles. During the physical verification, it was found that there is huge shortage of articles, value of which, in terms of money is Rs.1,30,29,304/-. It is further submitted that the petitioners have been falsely implicated in the FIR and there is no shortage at the spot and they have given all the details when the departmental enquiry was conducted by MARKFED.

Learned State counsel, on instructions from SI Balwinder Singh, submits that during the physical verification, the petitioners themselves produced an application dated 04.08.2017 seeking one month's time to fulfill shortage of the stock and further stated in the application that if they do not fulfill above shortage, then department can take any action against them. A copy of the said application/undertaking given by the petitioners after physical verification is attached as Ex.C1 along with the complaint given to the police forming basis of registration of FIR. Learned State counsel has opposed the prayer for bail on the ground that FIR has been registered after a proper physical verification, in which both the petitioners were joined by the MARKFED and they could not give any satisfactory explanation despite giving an undertaking dated 04.08.2017 that they may be granted one month's time and after expiry of the said period, FIR was registered.

After hearing learned counsel for the parties, I find no ground to

grant concession of anticipatory bail to the petitioners.

A perusal of the FIR shows that after conducting the physical verification of the stock/articles, which were in charge/possession of the petitioners in the capacity of Salesman and Field Officer, they failed to account for the same. The petitioners have themselves given an undertaking that they will fulfill the shortage within a period of one month w.e.f. 04.08.2017 and having failed to do so, FIR has been registered.

Since the allegations against the petitioners are of embezzlement of articles valuing Rs.1,30,29,304/-, which is a huge amount, therefore, both the aforesaid petitions are dismissed as there is no ground to grant the discretionary relief of anticipatory bail.

[ARVIND SINGH SANGWAN]
JUDGE

07.03.2018

vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No