

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

210

CRM-M-7185-2019 (O & M)
Date of Decision:27.02.2019

Harbhajan Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rajesh Bhateja, Advocate
for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

MANOJ BAJAJ, J.

Petitioner-Harbhajan Singh has filed this petition seeking regular bail in case FIR No.66 dated 01.06.2018, under Sections 420 and 409 of the Indian Penal Code ('IPC' – for short) registered at Police Station Badhni Kalan, District Moga.

Petitioner is in custody since the date of his arrest i.e. on 01.06.2018. The FIR was registered on the ground that during the purchase season of the year 2017-2018, Civil Supply Department, Punjab had entrusted paddy of Punjab State Warehousing Corporation to M/s J.D. Agro Foods, Sheller/Rice Mills Rania for its milling. In fact in that regard, an agreement between the parties was also executed in view of the milling policy pertaining to the year 2017-2018. As per the agreement, Harbhajan Singh, proprietor of the Sheller was required to deliver the entrusted material in time to the FCI and was supposed to keep the stock in

appropriate condition in his Sheller. It was alleged that the delivery made by the Sheller was short by 6743.25 quintals of paddy, which has been allegedly misappropriated.

Learned counsel for the petitioner has argued that the petitioner is in custody for the last more than 9 months and investigation in the case is complete. The petitioner is in judicial custody and further custody of the petitioner is not justifiable.

On the other hand, the bail application is opposed by the learned State counsel who is assisted by ASI Sewak. It is pointed out that the charges have been framed by the learned trial Court on 15.11.2018. However, no prosecution witness has been examined till date.

Considering the above background, nature of offence, which is triable by Magistrate and the fact that no prosecution witness has been examined till date, further custody of the petitioner is not justifiable. Therefore, without meaning any expression of opinion on the merits of the case, petitioner is ordered to be released on bail subject to his furnishing bail bonds and surety bonds, to the satisfaction of Trial Court/Duty Magistrate concerned.

The petition is allowed.

27.02.2019

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(MANOJ BAJAJ)
JUDGE

Whether Speaking/Reasoned: Yes/No
Whether Reportable : Yes/No