

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

CRM-M No. 43512 of 2018

Date of decision : 01.04.2019

Surjit Singh

.....Petitioner

Versus

State of Punjab

..Respondent

CORAM : HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present : Mr. J.S. Brar, Advocate
for the petitioner.

Ms. Ruchika Sabharwal, AAG, Punjab.

DAYA CHAUDHARY, J. (*Oral*)

Petitioner Surjit Singh has filed the present petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to him in case FIR No. 03 dated 05.01.2015, registered under Section 409 of the Indian Penal Code, 1860 at Police Station City Moga, District Moga, during pendency of the trial.

Learned counsel for the petitioner submits that the petitioner was having no control over the godown and has no role to play in causing shortage. It is further submitted that out of total 11 witnesses only 03 witnesses have been examined so far and the petitioner is in custody since 26.07.2015. The offence is triable by the Magistrate and the trial may take some more time to conclude and no purpose would be served by keeping the petitioner in custody. He is ready to join the Court proceedings regularly and to abide all the terms and conditions to be imposed by this Court or by the trial Court.

Learned State counsel has not disputed the custody period as well as stage of the trial. He has further submits that petitioner along with his co-accused has misappropriated 9600 bags of rice weighing 4783.24 quintals amounting to ₹ 1,17,46,463/- and he does not deserve the concession of bail.

I have heard arguments of learned counsel for the parties and have also gone through the contents of the FIR and other documents available on record.

By considering the submissions made by learned counsel for the petitioner and keeping in view the custody period and also the fact that offence is triable by Magistrate; trial may take some time to conclude, no purpose would be served by keeping the petitioner in custody, the present petition is allowed and the petitioner is directed to be released on regular bail on furnishing adequate bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

1st April, 2019
shabha

(DAYA CHAUDHARY)
JUDGE

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No