

CRM-M-18102-2020

Date of decision: 05.08.2020

KUNDAN SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Sukhandeep Singh, Advocate for the petitioner.

Mr. Pawan Sharda, Sr. DAG, Punjab.

*(The case has been taken up through video conferencing on
account of Covid-19 Pandemic)*VIVEK PURI, J. (ORAL)

Through instant petition, the petitioner is seeking regular bail in case FIR No. 135 dated 28.05.2020 under Sections 409/420/511/120-B IPC, registered at Police Station Kathu Nangal, District Amritsar Rural.

Briefly, the aforesaid FIR has been registered on the allegations that the petitioner is working as a Depot Holder and 92 quintal 25 kg of wheat was released by the government for distribution of the same to the poor families. However, the petitioner tried to sell embezzle and 15 quintals of wheat so released to him by filling the same in the plain bags and transporting them in a vehicle.

It has been contended by the learned counsel for the petitioner that the arrest of the petitioner was effected on 28.05.2020, the recovery has already been effected, the custodial interrogation of the petitioner is over and he has been remanded to judicial custody. Furthermore, co-accused namely, Jagjit Singh has been released on bail.

has not disputed the factual position. He has further stated that Jagjit Singh has been found to be innocent as he was only the driver of the vehicle in which the wheat was being transported. However, investigation of the case is in progress and challan is yet to be presented.

In the instant case, the recovery has already been effected from the petitioner and his custodial interrogation is over. Furthermore, the offences are triable by the Court of Judicial Magistrate (1st) Class, the conclusion of the investigation and presentation of challan is likely to take sometime.

Keeping in view the abovesaid facts, no fruitful purpose will be served by keeping the petitioner behind the bars in the present case. Accordingly, the present petition is allowed and the petitioner is ordered to be released on bail, subject to his furnishing bail/surety bonds to the satisfaction of concerned Chief Judicial Magistrate/Illaqa Magistrate/Duty Magistrate/trial Court.

05.08.2020
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(VIVEK PURI)
JUDGE

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