

IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

SANJIV KUMAR SHARMA
2020/11/12 20:30
I attest to the accuracy and
authenticity of this document

Date of decision : 12.11.2020

CRM-M-20698-2020 (O/M)

Ashok Kumar

..... Petitioner (s)

Versus

State of Punjab and another

..... Respondent (s)

CRM-M-21147-2020 (O/M)

Ashok Kumar

..... Petitioner (s)

Versus

State of Punjab

..... Respondent (s)

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. S.K. Singla, Advocate
for petitioner.
Mr. Rana Harjasdeep Singh, DAG Punjab.
Mr. Anupam Singla, Advocate
for complainant and respondent No. 2 in CRM-M-20698-2020.
-.- -.-

HARINDER SINGH SIDHU, J.

CRM-26000-2020 in CRM-M-20698-2020

The case is taken up through video conferencing on account of COVID 2019.

Reply by way of affidavit of Shri B.P. Singh, District Manager, Punjab Agro Food Grains Corporation Ltd. alongwith Annexure R-2/1 to Annexure R-2/3 on behalf of respondent No. 2 is taken on record.

Application is disposed of.

CRM-M-20698-2020

This order shall dispose of aforementioned petitions by common order as facts are identical. For brevity, facts have been taken from CRM-M-20698-2020.

This is a petition filed under Section 439 Cr.P.C. for grant of anticipatory bail in case FIR No. 10, dated 14.2.2012, registered under Section 406 IPC (charge has been framed under Section 409 IPC) at Police Station Bhawanigarh, District Sangrur.

The complainant in the case is Punjab Agro Food Grains Corporation Limited. The petitioner is proprietor of M/s Nabha Rice Mills. It was stated that petitioner was allotted 28500 bags weighing 9975 quintals of paddy for the year 2009-10. At the time of verification conducted on 19.8.2011, 2860 bags

weighing 1001 quintals were found short. The aggregate value to Rs. 13,51,986.01.

Petitioner was directed to be released on anticipatory bail vide order dated 28.6.2012 of learned Additional Sessions Judge, Sangrur. After availing the concession of anticipatory bail, petitioner did not appear before the Court because of which proclamation proceedings were initiated against him and he was declared a proclaimed offender by learned Additional Chief Judicial Magistrate, Sangrur.

It appears that proceedings under Section 138 of Negotiable Instruments Act were also initiated against petitioner and his brother who is partner M/s Ashoka Rice Mills, sister concern of M/s Nabha Rice Mills. Petitioner was declared a proclaimed offender in said proceedings on 23.5.2014, however, his brother was convicted on 1.8.2016. The appeal filed by his brother was dismissed. He has filed revision petition before this Court which is pending.

It is the case of complainant that though petitioner was declared a proclaimed offender, however, he was not arrested by police because of his influence. It was only on the intervention of this Court while hearing revision petition when petitioner was arrested on 12.6.2019. It has also been pointed out that arbitration proceedings were initiated against petitioner for recovery of shortage and award was passed against petitioner in which objections under Section 34 of Arbitration and Conciliation Act are pending. It has also been pointed out that proceedings under Section 174 A IPC were initiated against petitioner. Petitioner was convicted and sentenced to undergo 6 months imprisonment. He has already undergone said sentence.

Without commenting anything on merit of case and also bearing in mind the fact that petitioner is in custody since 12.6.2019 and trial of case has not made any headway because of prevailing COVID 2019, no useful purpose will be served by detaining petitioner behind bars. Accordingly, petition is allowed. Petitioner Ashok Kumar is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

(HARINDER SINGH SIDHU)
JUDGE

12.11.2020

sjks

Whether reasoned order : Yes / No
Whether reportable : Yes / No