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

**CRM-M No.31718 of 2019
Date of Decision: 13.02.2020**

RANJIT SINGH

.....Petitioner

Vs

STATE OF PUNJAB

.....Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. Paramjit Batta, Advocate
for the petitioner.

Mr. Ramandeep Sandhu, Sr. D.A.G., Punjab.

RAJ MOHAN SINGH, J.(Oral)

After filing of challan, the petitioner is accused of offences under Section 420, 409 and 120-B IPC.

Initially, FIR No.78 dated 10.06.2017 was registered for the offences under Sections 406, 465, 467, 468, 471 IPC at Police Station Nihal Singh Wala, District Moga. Vide Rapat No.22, the offences under Sections 465, 467, 468, 471 IPC were deleted on 17.07.2019, whereas offences under Sections 420, 409 and 120-B IPC were added.

The allegations are that the petitioner is owner of godown in which paddy of PUNSUP is lying stored. The FIR was

registered on the basis of information received from the Chowkidar Jagdish Singh of PUNSUP posted in the seller of the petitioner and his son. As per his information, the petitioner took away the rice by loading the same in the truck without any gate pass from the seller after making false bilties. Allegations of embezzlement of rice was made against the petitioner and his father Muktiar Singh.

Learned counsel for the petitioner submitted that the FIR is silent with regard to the intended destination of the paddy. Qua alleged shortage of the paddy, an *ex parte* award has been passed by the Arbitrator against the petitioner. Petitioner has already challenged the same by way of filing objections under Section 34 of the Arbitration and Conciliation Act, 1996.

Learned counsel further submitted that the petitioner is in custody since 21.04.2019. After filing of challan, no prosecution witness has been examined so far. At one point of time, the petitioner was granted interim bail for a specified period and he has surrendered back after availing the concession of interim bail.

Learned State counsel on instructions from ASI Pritpal Singh submitted that the allegations of embezzlement came to fore at a subsequent stage on account of shortage of paddy bags to the tune of 1,34,755 and an amount of Rs.6,03,64,964/- has been calculated towards misappropriated amount by the

petitioner.

Passing of ex parte award and filing of objections against the same would answer the aforesaid loss, if any suffered by the PUNSUP. Those proceedings are independent proceedings. In view of deletion of offences under Sections 465, 467, 468, 471 IPC and additions of offences under Sections 420, 409 and 120-B IPC would give rise to debatable issues.

At this stage, without adverting to the merits of the case, I am of the view that petitioner, who is in custody since 22.04.2019 can be enlarged on bail.

In view of above, petition is allowed. Petitioner is ordered to be released on bail, subject to his furnishing adequate bail bonds/surety bonds to the satisfaction of the trial Court.

Nothing expressed hereinabove would be construed to be an expression of any opinion on merits of the case.

February 13, 2020

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**(RAJ MOHAN SINGH)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No