

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

208

**CRM-M No.38886 of 2020
Date of decision:01.12.2020**

Amrik Singh

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Jagtar Singh Sidhu, Advocate for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

SUVIR SEHGAL J. (ORAL)

The Court has been convened through video conferencing due to Covid-19 pandemic.

Petitioner has filed this petition under Section 439 of Cr.P.C. for grant of regular bail in case FIR No.140, dated 18.10.2020 registered under Sections 420, 465, 467, 468, 471 of the Indian Penal Code at Police Station Julkan, District Patiala.

Counsel for the petitioner has urged that the petitioner is a 63 years old driver of a truck which was apprehended while allegedly transporting paddy from the State of U.P. to Punjab. Counsel submits that as the paddy was not being sold in any notified market place or yard, there is no violation of the provisions of the Punjab Agricultural Produce Markets Act, 1961. He has made a reference to interim order dated

12.11.2020 passed by this Court in CWP No.18525 of 2020, ***Varinder Kumar Vs. State of Haryana and others***, wherein this Court has directed as under:-

“In the meantime, the petitioner may bring his produce within the territory of Haryana or Punjab, however, he shall not be entitled to sell his produce at any designated grain market, market yard, market place or any other area notified as Principal market or sub-market yard of the market, special market or any other place meant and notified for the sale or purchase of the agricultural produce; under the Haryana Agricultural Produce Markets Act, 1961 and the Punjab Agricultural Produce Markets Act, 1961.”

Per contra, learned counsel for the State has opposed the petition, upon instructions from ASI Lakwinder Singh. He has submitted that the paddy loaded on the truck has been shown to have purchased from State of U.P. on basis of forged and fabricated bills. He has instructions to state that the petitioner is incarceration since 18.10.2020 and the investigation is incomplete.

I have considered the rival submissions of the parties.

Keeping in view the above facts and circumstances, period of incarceration of the petitioner, nature of allegations, gravity of offences and particularly the interim order dated 12.11.2020 passed by this Court and the fact that the trial is likely to consume time due to spread of

contagion, no useful purpose would be served by keeping the petitioner behind the bars any further.

Without commenting anything on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate.

It is clarified that any observation made hereinabove shall not be construed to be a reflection of opinion on the merits of the case.

01.12.2020

pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No