

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

Sr. No.244

CRM-M-13792-2021

Date of decision: 17.08.2021

Ram Kumar

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Amandeep Saini, Advocate
for the petitioner.

Mr. Jagmohan Singh Ghumman, DAG, Punjab.

* * *

DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 439 Cr.P.C. for the grant of regular bail in FIR No.0195 dated 12.09.2019 registered under Sections 420, 465, 467, 468, 471, 406 and 120-B IPC at Police Station Lambi, District Sri Muktsar Sahib.

The petitioner is being prosecuted for being part of a conspiracy involving misappropriation of 1,16,132 bags of paddy stored in a godown of which the petitioner was the security supervisor.

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in this case at the behest of Parmod Kumar, who was the petitioner's superior and had lodged the FIR in question only to save his own skin; the petitioner has been in custody for the last over 01 year and 07 months; report under Section 173 Cr.P.C. has already been filed and therefore, the petitioner is not in a position to influence the investigation; co-accused Rajbir Singh Samra, Harinderjit Singh Samra and Malkit Singh were granted anticipatory bail by the Sessions Judge, Sri Muktsar Sahib; co-accused Parmod Kumar and Atar Singh have been granted ad-interim anticipatory bail by this Court and that the petitioner's trial which is yet to begin and in which 52 prosecution witnesses are cited to be examined is likely to take a long time to conclude.

Learned State counsel opposes the grant of bail to the petitioner on the ground that he is accused of misappropriating 1,16,132 bags of paddy.

Whether the petitioner has been made a scape goat at the behest of the complainant (now accused – Parmod Kumar) would be considered during the course of the petitioner's trial. However, in a magisterial trial, the petitioner has already been in custody for over 01 year and 07 months; report under Section 173 Cr.P.C. has already been filed and therefore, the petitioner is not in a position to influence the investigation and that in the petitioner's trial in which 52 prosecution witnesses still remain to be examined is likely to take a long time to conclude.

Keeping in view the totality of the above facts, the present case is considered to be a fit one in which the petitioner be directed to be released on regular bail. Resultantly, subject to the satisfaction of the CJM/Duty Magistrate, Sri Muktsar Sahib, the petitioner is directed to be released on bail.

It is clarified that the above observations have been made only for the limited purpose of deciding the present regular bail application and the same would not be construed to be an expression of opinion on the merits of the case.

(DEEPAK SIBAL)
JUDGE

August 17, 2021
Jyoti 1

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