

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

101

**CRM-M-28361 of 2021(O&M)
Date of Order:22.07.2021**

Sukhdev Singh

..Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Aakash Singla, Advocate,
for the petitioner.

Mr. Saurav Khurana, DAG, Punjab.

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

This is second petition for grant of anticipatory bail to the petitioner in a criminal case arising from FIR No.126, dated 30.09.2013, registered under Section 406/420/34 IPC, at Police Station Dayalpura, District Bathinda.

The first petition of the petitioner was dismissed on 20.05.2019 with the following order:-

“CRM No.15956 of 2019

Application is allowed.

Main case

Prayer in the present petition is to grant anticipatory bail to the petitioner in FIR No.126 dated 30.09.2013 registered under Sections 406/420/34 of the Indian Penal Code at Police Station Dayalpura, District Bathinda.

On 14.02.2019 after noticing the contention of learned counsel for the petitioner, following order was passed:-

“Learned counsel for the petitioner states that he is willing to make good the alleged loss.

Notice of motion for 14.03.2019.

Meanwhile, in the event of arrest, the petitioner-Sukhdev Singh shall be released on interim anticipatory bail to the satisfaction of Arresting/Investigating Officer, subject to the conditions provided under Section 438(2) Cr.P.C.

The petitioner is also directed to join the investigation and cooperate with the Investigating Agency, as and when required.

To be shown in the urgent list.”

On 02.05.2019, after hearing learned counsel for the parties, following order was passed:-

“On 14.02.2019, notice was issued while noting the contention of the petitioner that he is willing to make good the alleged loss.

Counsel for the petitioner prays for and is granted one week time to file the documents.

Adjourned to 14.05.2019.

No further request for an adjournment shall be entertained.”

Today, learned counsel for the petitioner submits that the petitioner is not coming forward to comply with the orders as passed on 14.02.2019 and 02.05.2019.

In view thereof, this Court is left with no choice but to dismiss the present petition.

Accordingly, the present petition is dismissed.”

As per the case of the prosecution, the petitioner is a partner in a partnership firm which runs a rice mill. There is shortage of 22309 bags of paddy, weighing 7808.15 Qtls. The estimated value of the paddy is 1,36,00,000/-. The paddy belongs to a Public Sector Undertaking which is assigned to the rice mill for de-husking.

Learned counsel representing the petitioner contends that the rice milled on receipt of the paddy has already been supplied and the shortfall, if any, is with respect to the previous year. He further contends that the petitioner was in custody in a case involving Narcotic Drugs and Psychotropic Substances Act, 1985, on 08.06.2013 and therefore, the petitioner cannot be said to have caused the deficiency.

This Bench has considered the submissions, however, find no case for grant of pre-arrest bail. The correctness of the contentions is yet to be verified. Therefore, it is incumbent upon the petitioner to join the

investigation.

A disturbing fact has come to the notice of the court which needs thorough probe. The FIR was registered on 30.09.2013. It is nearly 8 years. As per the allegations, the public money of many crores is involved. Apparently, there is no reason as to why the Investigating Agency did not take appropriate steps for completion of the investigation during these 8 years. For the same, the explanation can only be given by the Investigating Agency.

Hence, the Director General of Police, Punjab, is directed to verify the correct facts and file his own affidavit explaining the reasons as to why the Investigating Agency dragged this matter for so long.

With these observations, the petition is dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

July 22, 2021
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(ANIL KSHETARPAL)
JUDGE

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