

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

CRM-M-35424-2021 (O&M)

Date of decision:29.09.2021

Uttam Sharma

...Petitioner

Versus

State of Punjab and another

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Vivek Kumar Thakur, Advocate for the petitioner.

Mr. H.S. Sitta, A.A.G., Punjab.

Mr. Alok Mittal, Advocate and
Mr. Rana Gurtej Singh, Advocate for the complainant.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

CRM-27875-2021

Application is allowed as prayed for.

Annexures P-10 and P-11 are taken on record.

CRM-M-35424-2021

Though this petition, the petitioner seeks anticipatory bail in case bearing FIR No.19 dated 12.02.2019 registered under Sections 420, 406 and 120-B IPC at Police Station City Kapurthala, District Kapurthala.

Learned for the petitioner submits that a bare perusal of the contents of the FIR would make it apparent that the petitioner has no role to play in the occurrence; that there is no inducement on the part of the petitioner; that the petitioner was not even present at the time of the alleged negotiation and that the petitioner has been implicated only for the fact that he was/is an employee of M/s Jiya Agro Pvt. Ltd.

On the other hand, learned State counsel assisted by the counsel for the complainant, submits that all the accused of the FIR, including the present petitioner, had connived with each other and thereby committed a fraud upon the complainant. It is further submitted that the petitioner being the Quality Manager of M/s Jiya Agro Pvt. Ltd., cannot plead innocence, when it was under his approval that the rice had been purchased. It is yet further submitted that SLP(Crl.)35479/19 filed by co-accused, namely, Raju Jain @ Rajeev Jain, seeking pre-arrest bail, has been dismissed by the Hon'ble Apex Court on 21.10.2019.

I have heard learned counsel for the parties.

The petitioner was a Quality Manager in the company M/s Jiya Agro Pvt. Ltd. As per the FIR, all the accused had acted in connivance with each other. As noticed above, pre-arrest bail of co-accused Raju Jain @ Rajeev Jain, has been dismissed upto Hon'ble Apex Court. Besides, bail petitions of co-accused Rakesh Singh, Joyti Choudhary and Harbind Singh, have been dismissed by this Court, vide the orders of even date.

No ground is made out to grant the anticipatory bail to the petitioner.

Dismissed.

29.09.2021
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(HARNARESH SINGH GILL)
JUDGE

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