

**CRM-M-39266-2021**

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

**\*\*\***

**CRM-M-39266-2021**

**Date of Decision: 24.9.2021**

Sharukh

Petitioner

Versus

State of Haryana

Respondent

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Mohammad Arshad, Advocate  
for the petitioner.

Ms. Harpreet Kaur, Assistant Advocate General, Haryana.

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**AVNEESH JHINGAN, J (Oral):**

[1] Due to COVID-19 situation, the Court is convened through video conference.

[2] This second petition under Section 439 Cr.P.C. is filed seeking regular bail in F.I.R. No. 103, dated 9<sup>th</sup> June, 2021, under Sections 409, 420, 467, 468, 471 and 120-B IPC and Section 7 of the Prevention of Corruption Act, 1988 (added later on), registered at Police Station Hassanpur, District Palwal, Haryana.

[3] The brief facts are that on 09.06.2021, police party got a secret information that Canter No.HR74-A-7715 and Truck No.HR73-2735 are being unloaded at Baba Flour Mill, Hassanpur. A raid was conducted and it was found that the wheat loaded in the Truck was being unloaded at the Mill. The driver of the truck was apprehended at the spot. He disclosed his name as Sharukh (Petitioner). He produced two gate passes upon which Food Corporation of India was written. It was found that the wheat loaded

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in the truck was for Government supply. The petitioner disclosed that the wheat bags were brought to the Mill on the asking of Imtiyaj. He claim himself to be a Depot Holder.

[4] Learned counsel for the petitioner submits that petitioner is in custody since 09th June, 2021. Investigation is complete, challan stands presented and no recovery is to be made. The petitioner was driver of the truck, who on instructions transported the goods.

[5] Learned State counsel opposes the prayer for grant of bail and submits that challan has been presented but charges are yet to be framed. She further submits that it is a case where the wheat of government supply was diverted to a private Mill.

[6] The investigation in the case is complete and challan stands presented. No recovery is to be made from the petitioner. As per the allegations, petitioner was the driver of one of the truck. Conclusion of trial is likely to take time, no useful purpose would be served by depriving the personal liberty of the petitioners. The petitioner is granted bail subject to furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

[7] The petition is allowed.

[8] It is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

**24<sup>th</sup> September, 2021**  
*ps-I*

**[AVNEESH JHINGAN]**  
**JUDGE**

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|-------------------------------|---|----------|
| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable         | : | Yes / No |