

218

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

**CRM-M-41544-2021
Date of decision 08.10.2021**

Dinesh

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Vishal Yadav, Advocate for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

AVNEESH JHINGAN, J (Oral):

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

[2] 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. He produced two gate

passes upon which Food Corporation of India was written. It was found that the wheat loaded in the truck was for Government supply. It was disclosed that the wheat bags were brought to the Mill on the asking of Intiyaj. He claim himself to be a Depot Holder. .

[3] Learned counsel for the petitioner submits that petitioner is a contractor in HAFED and entrusted with only transportation of material given to him by the department to be delivered to the assigned Mills. His name surfaced in the disclosure statement of Shahrukh. He is in custody since 2nd July, 2021. The only recovery effected from the petitioner is gate pass book. Investigation is complete, challan stands presented and no recovery is to be made. The driver of the truck- Shahrukh has already been granted bail.

[4] 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.

[5] The investigation in the case is complete and challan stands presented. The name of petitioner surfaced in disclosure statement. No recovery is to be made from the petitioner. As per the allegations, petitioner was the contractor for transportation of food grains. Conclusion of trial is likely to take time, no useful purpose would be served by depriving the personal liberty of the petitioner. The petitioner is granted bail subject to furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

[6] The petition is allowed.

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

8th October, 2021
pankaj baweja

[AVNEESH JHINGAN]
JUDGE

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