

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

-.-
CRM-M-36978-2020 (O&M)
Date of decision : 14.01.2021.

Balwant Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Ashish Gupta, Advocate for the petitioner.

Mr. Ramandeep Sandhu, Sr. DAG, Punjab.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

On 12.11.2020, the following order was passed:-

“Heard through video conferencing.

This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.83 dated 19.10.2020 registered under Sections 420, 120-B of the Indian Penal Code, 1860 at Police Station Hathur, District Ludhiana Rural.

The FIR was lodged on the statement of Kimti Lal, Mandi Supervisor on the ground that on 17.10.2020 the Secretary of the Market Committee had deputed him for inspection in the Mandi of Rasulpur and there was a heap of paddy belonging to Angrej Singh son of Sarwan Singh and Nirmal Singh son of Sadhu Singh in the firm of M/s Deharka Trading Company and the same did not tally with the gate passes issued. On enquiry, it was found that the heap of paddy lying in the said firm did not belong to Angrej Singh and even the abovesaid Nirmal Singh had not harvested this paddy from his fields. The Manager of the firm, namely the petitioner herein, had stated that the heap of paddy

belonged to Nirmal Singh and Angrej Singh. On conducting a secret enquiry, it came to fore that the heap of paddy weighing about 800 quintals had been bought from other States on 16/17.10.2020 in the night in a big trolly at cheaper rate so that the same could be sold as per the Punjab Government rates. It was further found that M/s Deharka Trading Company, Rasulpur had got 11 trolleys of paddy collected in their premises, whereas, they had only been issued 9 passes. It was, thus, alleged that the Manager i.e. the petitioner herein, in connivance with other unknown persons, had collected the abovesaid paddy weighing about 800 quintals without any records thereby committing a fraud.

Learned counsel for the petitioner on 10.11.2020 had shared with a Co-ordinate Bench a document whereby one Balbir Singh had sought the release of 560 quintals of paddy on Superdari which belongs to M/s Deharka Trading Company.

Mr. Sandhu, learned counsel appearing on behalf of the State, on instructions from ASI Raj Dheem, is not in a position to deny the fact that the said application was moved for release of the paddy on Superdari by the said Balbir Singh.

List on 14.01.2021.

Meanwhile, the petitioner is directed to join investigation before the Investigating Officer and would come present as and when called for. In the event of arrest, the petitioner shall be admitted to bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.”

Learned counsel for the State, on instructions from ASI-Rajbir Singh, has stated that the petitioner has since joined investigation on 15.11.2020 and that he is no longer required for further investigation as of now. He has further stated that there is no other case pending against the petitioner.

In view of the above, the order dated 12.11.2020 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

Disposed off accordingly.

January 14, 2021

(ALKA SARIN)

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JUDGE

NOTE:

Whether speaking/non-speaking: Yes/No

Whether reportable: Yes/No