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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-41884-2021

Date of decision: 08.11.2021

SUMIT KUMAR SHARMA

...Petitioner

VERSUS

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. R. S. Rai, Sr. Advocate with
Mr. Karan Pathak, Advocate for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 0234 dated 22.09.2021, under Sections 120-B and 409 of the Indian Penal Code, 1860, registered at Police Station City Safidon, District Jind, Haryana.

The operative part of the order dated 06.10.2021, vide which the petitioner has been granted interim bail, is reproduced below:

“...Learned senior counsel appearing for the petitioner contends that it is alleged in the FIR that 300 bags of wheat were being taken away from Warehouse situated near Satsang Bhawan, Safidon, and was to be unloaded at HAFED Godown at Bohli Road. The petitioner is the storekeeper at HAFED Godown, Bohli Road, Safidon. It is also mentioned in the FIR that the DM, Warehouse, Jind and the DM, HAFED, Jind have informed that stocks in their godowns have been physically verified and the aforementioned wheat does not belong to them. He also contends that there is no allegation that there is any shortage at the godown at

which the petitioner is the storekeeper.

Issue notice to the respondent.

At the asking of the Court, Mr. Deepak Bhardwaj, DAG, Haryana, accepts notice on behalf of the respondent-State and prays for time to file an affidavit with regard to the role and the prima facie material against the petitioner. ”

Learned Senior counsel for the petitioner submits that the petitioner, in pursuance to the order dated 06.10.2021, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Reply by way of an affidavit of the Deputy Superintendent of Police, Safidon, filed by learned State counsel in Court today and the same is taken on record. As per the reply, after giving the details of the FIR, it is stated that on verification, it was found that nobody is claiming the ownership of the Wheat and therefore, the same was taken in possession by the police under Section 102 Cr.P.C. It is further submitted in the reply that the petitioner joined the investigation on 18.10.2021 but he didn't cooperate with the investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 06.10.2021, is made absolute subject to the condition that if the petitioner is still required for further investigation, it will be open for the Investigating Officer to give a notice in writing to join the investigation.

08.11.2021
Chetan Thakur

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No