

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-41925 of 2020 (O&M)

Date of decision : 27.01.2021

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Kewal Kumar

.....Petitioner

vs.

State of Punjab

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: Mr. Anil Kumar Garg, Advocate
for the petitioner.

Mr. J.S. Ghuman, Deputy Advocate General,
Punjab.

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H. S. Madaan, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail under Section 438 Cr.P.C., has been filed by petitioner – Kewal Kumar, aged about 53 years, s/o Teja Ram, resident of Village Qila Darshan Singh, Tehsil Batala, Police district Batala, District Gurdaspur, an accused in FIR No. 138 dated 21.11.2020, for offences under Sections 420, 120-B IPC and Section 7 of the Essential Commodities Act, 1955, registered at Police Station Ghanie Ke Bangar, Police District Batala, District Gurdaspur.

Briefly stated, the prosecution story is that petitioner Kewal Kumar, is a licensed Depot Holder and on 20.11.2020 80 bags of Wheat each weighing 50 kgs, total 40 quintals, had been given to him for the purpose of distribution among identified beneficiaries as per NFSA Act under the Pradhan Mantri Garib Kalyan Yojna. However, he instead of distributing the same to the beneficiaries, took the wheat grain bags to some other place with a mala fide intention of selling the same in open market. On the matter being reported to the police, formal FIR was recorded. Investigation in the case started.

Apprehending his arrest, petitioner had approached the Court of Sessions at Gurdaspur, by moving an application for , pre-arrest bail. His such application which was assigned to Additional Sessions Judge, Gurdaspur, was rejected by that Court vide order dated 8.12.2020, as such he has knocked at the door of this Court, craving for grant of similar relief, by filing the instant petition.

Notice of the petition was given to the State. When it came up for hearing on 14.12.2020, the petitioner was granted interim bail with a direction to join the investigation.

Learned counsel for the petitioner has submitted that the petitioner has since joined the investigation and rendered full cooperation therein.

Learned State counsel, on instructions from ASI Amarjeet Singh, concedes the fact stating that the petitioner has handed over the requisite documents to the Investigating Agency and under the circumstances, his custodial interrogation is not required.

Considering the facts and circumstances and the statement made by learned State counsel, the petition calls for acceptance. The same is allowed and the interim bail granted to the petitioner vide order dated 14.12.2020 is made absolute, subject to fulfillment of following conditions:-

- i) that the petitioner shall appear in the Court on each and every date of hearing.
- ii) that the petitioner shall not give any threat or intimidation to the prosecution witnesses.
- iii) that the petitioner shall not leave India without the prior permission of the Court.
- iv) that the petitioner shall surrender his passport before the Investigating Officer and if he is not having passport then he shall file an affidavit in that regard.

In case the petitioner violates any term and condition on which the bail has been granted to him, the prosecution would be entitled to apply for cancellation of bail.

The petition in that way is allowed.

27.01.2021
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(H.S. Madaan)
Judge

Whether speaking / reasoned Yes / No

Whether reportable Yes / No