

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-48007-2021

DATE OF DECISION: NOVEMBER 23, 2021

RAMESH KUMAR @ MESHI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ.

PRESENT: MR. ASHOK PAUL BATRA, ADVOCATE FOR THE PETITIONER.
MR. RAMANDEEP SINGH SANDHU, SR.DAG, PUNJAB.

MANOJ BAJAJ, J.(ORAL)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail pending trial in case FIR No.0213 dated 19.9.2021, under Section 379, 411, 408, 120-B IPC, Police Station City 1 Abohar, District Fazilka, who is in custody since his arrest on 5.10.2021.

The allegations contained in the FIR as noticed by the Addl. Sessions Judge, Fazilka, in the order dated 28.10.2021, are as under:-

“The above mentioned FIR against the accused Manoj Kumar, Pawan Singh Shekhawat, Pankaj Singh Shekhawat and Madan Singh Shekhawat (non-applicants) was registered on the basis of a complaint bearing No. 1679 moved by the complainant of this case namely Sagar Chabbra son of Sh. Sohan Lal Chabbra, resident of Street No. 15, Main Bazar, Abohar, Tehsil Abohar, Distt. Fazilka to Police Station City I, Abohar wherein he alleged that he is resident of above said address and is the partner in Chabbra Bartan Store, Abohar Factory and that for the last one year, accused Manoj Kumar (applicant/accused) is working as driver

in their factory and accused Pawan Singh Shekhawat is working as salesman marketing in their factory for the last three years and accused Pankaj Singh Shekhawat is his real brother while Madan Singh Shekhawat is his father. He further alleged that they are manufacturing the goods in their factory and sell the same in their own showroom and they are running factory affairs under their supervision. He also alleged that being old employee of the factory since long time, so they used to repose confidence in them i.e. accused and as such some times, they used to send the goods even without counting the same and that taking disadvantage of their confidence in them, accused Manoj Kumar, Pawan Kumar Shekhawat, accused Pankaj Kumar Shekhawat and Madan Singh Shekhawat in conspiracy with each other after taking manufactured goods from their factory, instead of taking the same to their own showroom used to carry the same to some other shop and sell stealthely. He alleged that after coming to know about this, they started keeping eye on the accused persons. He further alleged that on 28.7.2021, at about 1 PM, aforesaid accused Manoj Kumar driver along with Pawan Singh after loading the articles in vehicle Pickup bearing No. PB 2205-S-9676 from their factory was taking the same to their showroom sitauted in Street No. 15, Abohar and he i.e. complainant chased them and found that the accused had stopped the vehicle in street No. 6 and were unloading the utensils in Vinocha Bartan Store whereas no such delivery was to be given by them to aforesaid Vinocha Bartan Store and that when he tried to apprehend them, they managed to abscond from the spot leaving the vehicle behind. He alleged that he along with responsible person and their employee namely Surinder

Kumar son of Radhe Sham kept communicating with the accused and inquiring about as to on which other shops of other keepers, they had been selling the stolen articles.”

Learned counsel for the petitioner has argued that the complainant is engaged in the business of manufacturing steel utensils and the allegations have been levelled against the employees, namely, Manoj Kumar and Pawan Singh Shekhawat who had stolen the manufactured material and sold it to other shops. According to him, the petitioner is not even remotely connected with the alleged crime who is running the cycle workshop. In this regard, he has relied upon the ITRs of the petitioner. According to him, the petitioner is in judicial custody and the investigation of the case is almost complete, therefore, he be released on bail.

On the other hand, learned counsel for the State assisted by ASI Gurmail Singh has opposed the aforesaid prayer. However, it is not disputed that presently the petitioner is in judicial custody and the investigation qua him is nearly complete.

Considering the above background, nature of offences which are triable by Magistrate and the fact that petitioner is in judicial custody and investigation qua him is nearly complete, this Court is of the opinion that further detention of the petitioner behind the bars may not be necessary for any useful purpose who is presently confined in judicial custody after his arrest on 5.10.2021, as the trial of the case is likely to consume considerable time to conclude.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail

in the above case, subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

November 23, 2021
Gulati

(MANOJ BAJAJ)
JUDGE

Whether Reportable : Yes/No

Whether Speaking/Reasoned : Yes/No