

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

213

CRM-M-36585-2021

Date of Decision: 25.07.2022

Gian Chand

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. A.S.Jawandha, Advocate, for the petitioner.

Mr. Tanvir Joshi, AAG, Punjab,
assisted by Angrej Singh.

Mr. H.S.Maan, Advocate, for the complainant.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.212, dated 5.8.2021, Police Station Mandi Gobindgarh, District Fatehgarh Sahib, under Sections 409, 420 IPC.
2. At the time of issuance of notice of motion on 06.09.2021, the following order was passed:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.212, dated 5.8.2021, Police Station Mandi Gobindgarh, District Fatehgarh Sahib, under Sections 409, 420 IPC.

The FIR was lodged at the instance of Dheeraj Jain wherein he has alleged that he and his brothers are partners in M/s Dheeraj Alloys Mill at Amloh road, Mandi Gobindgarh, and are manufacturing iron rods, square iron sheets and angle iron. It is alleged that Sandeep Singh is working as Manager in their Mill and looks after the weighment of the iron scrap as well as the finished goods. It is alleged that Dheeraj came

to know that the scrap and the finished goods manufactured by them which were being got weighed at Bhushan Weighing Bridge, Amloh road, Gobindgarh, and which were being transported through the trucks supplied by Mehta Transport, Mandi Gobindgarh, were being underweighed and the excessive scrap was being sold to Gian Scrap Dealer r/o Goraya, District Jalandhar.

Learned counsel for the petitioner has submitted that even if the allegations as levelled in the FIR are taken to be correct, it is at best the Manager of the complainant's Mill or the workers at Bhushan Weighing Bridge, Amloh Road, Gobindgarh, who had got the scrap/finished goods underweighed who could be held responsible and that the petitioner being in business of scrap was simply purchasing the scrap which was being sold to him and cannot be attributed any element of cheating or misappropriations and had no knowledge about the same.

Notice of motion for 10.1.2022.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Arresting/Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Today, learned State counsel assisted by learned counsel for the complainant has opposed the petition mainly on the ground that it is a case where the petitioner happens to be the beneficiary, who used to purchase the scrap at throwaway price. Learned counsel for the complainant has submitted that in fact it is the petitioner, who is the master mind and he with connivance of employees of M/s Dheeraj Alloys mill had siphoned off 175 tons of scrap and that the proceeds of sale have been shared by all of them equally. Learned State counsel upon instructions has, however, informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is

not required for any custodial interrogation and that he is not wanted in any other case.

4. Having regard to the aforestated position, wherein the petitioner has already joined investigation and is not required for any custodial interrogation and is not stated to be involved in any other case, the petition is accepted and the interim directions issued by this Court vide order dated 06.09.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

25.07.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**
Whether reportable: **Yes/No**