

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

1. CRM-M-36893-2021 (O&M)

Sunil Kumar

...Petitioner

Versus

State of Punjab

...Respondent

2. CRM-M-41632-2021 (O&M)

Baljit Singh

...Petitioner

Versus

State of Punjab

...Respondent

3. CRM-M-41651-2021 (O&M)

Sukhwinder Singh

...Petitioner

Versus

State of Punjab

...Respondent

Date of decision: 16.03.2022

CORAM:- HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. R. S. Manhas, Advocate
for the petitioners in CRM-M Nos. 36893 & 41651 of 2021.

Mr. Paras Jagga, Advocate for
Mr. M. S. Bajwa, Advocate
for the petitioner in CRM-M No. 41632 of 2021.

Mr. Joginder Pal Ratra, DAG, Punjab.

Mr. Upender Prashar, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

This common order shall dispose of above noted three petitions as they arise out of the same FIR.

These petitions have been filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the aforesaid petitioners in case FIR No. 149 dated 19.06.2021, registered under Sections 407 and 420 of the IPC at Police Station Sadar Amritsar, District Amritsar.

Learned counsels for the petitioners submit that all the three petitioners are working as driver with Kahlon Transport Company and the said company used to transport coal from Gujarat to Amritsar.

Learned counsels further submit that the FIR has been registered at the instance of Manoj Dixit, who is working as Security Officer with Khanna Paper Mill with the allegations that the coal was adulterated with fly-ash and in this manner, the complainant-company has been cheated.

Learned counsels further submit that the offences are triable by the Court of a Magistrate; the petitioners are first offenders and are in judicial custody for the last about 08 months and 18 days and conclusion of trial is likely to take some time as out of total 18 prosecution witnesses, none has been examined so far.

Reply, filed by way of the affidavit of the Assistant Commissioner of Police, North, Amritsar, is on record. As per reply, during investigation, the petitioners were arrested and their trucks were taken into

possession and their disclosure statement was recorded that they have mixed fly-ash in the coal.

Learned State counsel has filed the custody certificates, as per which, the petitioners are in judicial custody for the last more than 08 months and they are not involved in any other case.

Learned counsel for the complainant submits that the petitioners, in the aforesaid manner, have caused financial loss to the complainant-company.

After hearing learned counsels for the parties, without making any comment on the merits of the case, considering the fact that the petitioners are in judicial custody for the last more than 08 months; they are first offenders; the offences are triable by the Court of a Magistrate and till date even charges have not been framed, the present petitions are allowed. The petitioners are ordered to be released on regular bail, subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

A photocopy of this order be placed on the file of other connected cases.

16.03.2022

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No