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

CRM-M-1061-2022

Decided on : 3rd February, 2022

Imtiyaj

Petitioner

Versus

State of Haryana

Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. Saleem Ahmed, Advocate for the petitioner.

Ms. Geeta Sharma, Deputy Advocate General, Haryana.

AVNEESH JHINGAN, J (Oral):

[1] Due to COVID-19 situation, the Court is convened through video conference.

[2] This petition under Section 439 Cr.P.C. is filed seeking regular bail in FIR No. 103, dated 9th June, 2021 under Sections 409, 420, 468, 471 and 120-B IPC (Section 467 IPC and Section 7 of the Prevention of Corruption Act, 1988 were added later on), registered at Police Station Hassanpur, District Palwal.

[3] The brief facts are that on 09.06.2021, police party got a secret information that Canter No.HR74-A-7715 and Truck No.HR73-2735 are being unloaded at Baba Flour Mill, Hassanpur. A raid was conducted and it was found that the wheat loaded in the Truck was being unloaded at the Mill. The driver of the truck was apprehended at the spot. He disclosed his name as Sharukh. He produced two gate passes upon which Food Corporation of India was written. It was found that the wheat loaded in the truck was for Government supply. Shahrukh disclosed that the wheat bags were brought to the Mill on the

asking of Imtiyaj (petitioner).

[4] Learned counsel for the petitioner submits that petitioner was working as a Labourer with Dinesh, Contractor for the Transportation. He is in custody since 4th July, 2021. Investigation is complete, challan stands presented and no recovery is to be made. Contention is that co-accused was granted bail by this Court.

[5] Learned State counsel opposes the prayer for grant of bail and submits that challan has been presented but charges are yet to be framed. She further submits that it is a case where the wheat of government supply was diverted to a private Mill.

[6] The investigation in the case is complete and challan stands presented. No recovery is to be made from the petitioner. As per the allegations, petitioner was the employee of Contractor for Transportation. Co-accused was granted bail by this Court, conclusion of trial is likely to take time, no useful purpose would be served by depriving the personal liberty of the petitioner. The petitioner is granted bail subject to furnishing bail bonds to the satisfaction of the Chief Judicial Magistrate/Duty Magistrate concerned.

[7] The petition is allowed.

[8] It is clarified that nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

[AVNEESH JHINGAN]
JUDGE

3rd February, 2022

pankaj baweja

1. Whether speaking/ reasoned	:	Yes /No
2. Whether reportable	:	Yes /No