

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-968-2023
Date of Decision:-02.02.2023

SATPAL

... Petitioner(s)

Versus

STATE OF HARYANA

... Respondent(s)

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CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

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Present:- Mr. Raman Chawla, Advocate
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

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KARAMJIT SINGH, J. (Oral)

Prayer is for grant of regular bail in case having FIR No.284 dated 26.6.2019 registered under Section 406 IPC and under Section 7 of Essential Commodities Act, at Police Station Safidon District Jind.

The allegations in nut-shell are that the petitioner was assigned the work of social welfare to distribute the goods to the public at minimum price and accordingly license was given to him but later on he was found committing irregularity in supply of those goods which were meant for

distribution to lower strata of the society at minimum price and he failed to return the stock, when he was asked to do so by the Department.

The counsel for the petitioner *inter alia* contends that the petitioner was granted interim bail but he failed to comply with the terms and conditions of the order of interim bail and finally the bail application was dismissed as withdrawn and he was ordered to surrender and in compliance of that order the petitioner surrendered and moved application for grant of regular bail but the same was dismissed by the learned trial Court and even by the Court of Additional Sessions Judge concerned. The counsel for the petitioner further submits that the petitioner is in custody for the last more than 1 month and 20 days and the offences are triable by the Court of Judicial Magistrate Ist Class and the petitioner is ready to deposit reasonable amount out of the total disputed amount which is being claimed by the Government.

The instant petition is resisted by the State counsel, who submits that the petitioner was licensed depot holder but he committed certain irregularities with regard to distribution of food-grains etc. and also failed to return the stock. However, the State counsel has admitted the fact that the petitioner is in custody for the last about 1 month and 20 days and is having no criminal history and food-grains worth ₹1.12 lacs are not accounted for by the petitioner.

I have considered the submissions made by counsel for the parties.

Admittedly all the offence are triable by the Court of Judicial Magistrate Ist Class. There are allegations that the petitioner who is licensed

depot holder committed certain irregularities while distributing various food-grains to the ration card holders and the price of said food-grains is ₹1.12 lacs. As per the custody certificate the petitioner is in custody since last 1 month and 20 days and the petitioner is ready to deposit certain amount to show his *bona fide*.

In view of the above, as challan is yet to be presented and thereafter it will take considerable time for the trial to conclude after its commencement, no purpose is going to be served by detaining the petitioner in custody for any longer period.

Thus without commenting on the merits of the case, the petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate concerned subject to deposit of ₹30,000/- by the petitioner with the Court of Illaqua Magistrate concerned. The said amount of ₹30,000/- will be subject to final decision of the trial.

02.02.2023
Gaurav Sorot

(KARAMJIT SINGH)
JUDGE

Whether reasoned / speaking? Yes / No

Whether reportable? Yes / No