

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-3866-2023 (O&M)
Date of Decision:- 30.1.2023

Harmeet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.S.Bains, Senior Advocate with
Mr. Aman Raj Bawa, Advocate, for the petitioner.

Mr. Luvinder Sofat, DAG, Punjab,
assisted by ASI Surjit Kumar.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No. 10, dated 19.5.2021, Police Station State Vigilance, District Amritsar, under Sections 409, 406, 467, 468, 471, 120-B IPC and Sections 7 and 13 of Prevention of Corruption Act, 1988.
2. The allegations, in nutshell, are that the petitioner who was posted as Inspector with PUNGRAIN (Punjab State Grains Procurement Corporation Limited) and was deployed to purchase paddy from Mehta Grain Market, Raiya, Amritsar, in connivance with Sawinder Singh, Proprietor M/s S.S. Trading Company and Sarabjeet Singh,

Auction Recorder, had shown a fictitious transaction of sale of paddy by M/s S.S. Trading Company to PUNGRAIN whereas neither any such transaction has taken place nor any paddy had been supplied. It is alleged that by way of showing such fictitious transactions, an amount of Rs.71,26,223/- came to be released in favour of M/s S.S. Trading Company.

3. Learned counsel for the petitioner submits that even if all the allegations are taken to be correct, he cannot be said to be a beneficiary as the amount had been released in favour of M/s S.S. Trading Company. It has further been submitted that it is pursuant to the record maintained by the Auction Recorder that all the proceedings are conducted and as such it cannot be said that the petitioner had any role to play in the alleged release of payment in favour of M/s S.S. Trading Company.
4. Opposing the petition, learned State counsel has submitted that since the petitioner was posted as Inspector at Mandi Mehta Grain Market, Raiya, Amritsar, it was his responsibility to organize all the purchases and to maintain record of the same and it is pursuant to updating of the relevant information on the official portal of the department that requisite payments are released and that in these circumstances the complicity of the petitioner is clearly evident. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last about 10 months and that charges are yet to be framed and as many as 27 PWs have been cited. It has also been informed that the petitioner happens to be involved in one more case.

5. This Court has considered the rival submissions.
6. It is not disputed that the petitioner has been behind bars for a substantial period of about 10 months. Conclusion of trial is likely to consume time inasmuch as the trial has not even commenced till date and charges are yet to be framed and as many as 27 PWs have been cited. In these circumstances, without commenting anything as regards merits of the case, this Court is of the opinion that further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to his furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

30.1.2023
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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No