

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

CRM-M-5639-2023 (O&M)
Date of Decision:- 22.03.2023

Rajveer Bains ... Petitioner

Versus

State of Punjab and another ... Respondents

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. S.K.Garg Narwana, Senior Advocate with
Mr. Vishal Garg Narwana, Mr. J.S.Johal,
Mr. Nitin Sachdeva, Advocates, for the petitioner.

Mr. Siddharth Attri, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.07, dated 13.05.2016, Police Station Vigilance Bureau, District Patiala, under Sections 13(1)(d) and 13(2) of Prevention of Corruption Act, 1988 and Sections 409 and 120-B IPC.
2. The allegations, in nutshell, are that the petitioner was posted as Senior Branch Manager, Markfed at Rajpura. A surprise checking was conducted on 09.12.2015 and also on 10.12.2015 pertaining to the wheat stock at MRM Complex, Rajpura, in respect of the years 2013-2014, 2014-2015 and 2015-2016 and a total shortage of 12194

bags was detected, total weighing 6097 quintals, valued at Rs.1,24,61,658/-.

3. Learned counsel for the petitioner submits that he has falsely been implicated in the present case solely on account of the fact that he happens to be holding the post of Senior Manager, whereas he himself was not personally responsible for safe-keep of the wheat bags. It has further been submitted that while the FIR was lodged in the year 2016, the petitioner has arrested after about 7 years i.e. on 09.12.2022 and that there is no evidence worth credence to connect him with the alleged shortage.
4. Opposing the petition, learned State counsel has submitted that it was the overall responsibility of the petitioner to ensure that there is no pilferage in the stocks being kept in the godowns of Markfed and that since the petitioner was posted as Senior Manager, he cannot escape from his liability and that the shortage of this extent could not have gone unnoticed and that apparently the petitioner was fully involved in the scam. Learned State counsel has however, informed that the investigation already stands concluded and that while challan has been presented, but charges are yet to be framed and as many as 24 PWs have been cited. It has also been informed that the petitioner otherwise is not involved in any other case.
5. This Court has considered the rival submissions.
6. It is correct that there are specific allegations levelled against the petitioner. However, having regard to the fact that investigation already stands concluded and challan stands presented, further

detention of the petitioner will not serve any useful purpose particularly in view of the fact that conclusion of trial is likely to consume time inasmuch as the trial has not even commenced till date and 24 PWs have been cited. The petitioner otherwise is stated to be having a clean record. 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.

22.03.2023
mohan/lavisha

(GURVINDER SINGH GILL)
JUDGE

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