

215 **IN THE HIGH COURT OF PUNJAB AND HARYANA**
AT CHANDIGARH

CRM-M-27614-2023

Date of Decision: 09.08.2023

Karan Mahajan

...Petitioner

vs.

State of Punjab

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Narinder Singh Vadehra, Advocate
for the petitioner.

Mr. M.S.Bajwa, Deputy Advocate General, Punjab.

N.S.Shekhawat J. (Oral)

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.40 dated 20.06.2018 registered under Sections 420, 406, 120-B, 465, 467, 468, 471 of IPC at Police Station Dorangla (Vigilance Bureau Branch, Mohali).

The FIR in the present case was got registered by District Manager, PUNSUP, Gurdaspur by alleging that M/s B.D. Rice Mill, Gurdaspur was allotted to PUNSUP for custom milling during the paddy crop year 2017-18 by the District Controller Food Civil Supplies and Consumer Affairs, Gurdaspur. The 140729 bags of paddy, weighing 52773.37.500 quintals paddy crop was stocked by PUNSUP at M/s B.D. Rice Mill, Gurdaspur and the miller was supposed to deposit 35358.16 quintals of rice i.e. 67% of the yield in the account of Corporation. However, during the physical verification at the Mill, a shortage of around 14351 bags of paddy weighing 5381.62 quintals had come to the notice of the complainant and

the paddy of PUNSUP was embezzled by the miller. As per the prosecution, the petitioner and his accomplices had caused huge loss to the tune of Rs.1,69,51,770 approximately to PUNSUP and the State Exchequer. With these broad allegations, the FIR was registered against the petitioner, who was partner of the firm and the other accused.

Learned counsel for the petitioner contends that the petitioner was arrested in the present case on 17.01.2023 and is in custody for the last more than 6 months. The police conducted the investigation against him and the final report under Section 173 Cr.P.C. has already been presented against him. After commencement of the trial, only one witness, out of total 40 witnesses, has been examined by the prosecution so far. He further contends that even PUNSUP has already initiated arbitration proceedings for recovery of the alleged loss caused to the PUNSUP. Apart from that, a criminal complaint under Section 138 of the Negotiable Instruments Act has already been filed against the present petitioner before the Competent Court. Thus, the custody of the petitioner will serve no meaningful purpose.

On the other hand, learned State counsel submits that the petitioner has caused huge loss to the tune of Rs.1.69 crores approximately to PUNSUP and the State Exchequer and in view of the gravity of the matter, the petitioner is not entitled for bail.

I have heard the learned counsel for the parties and perused the record.

In the present case, no doubt, the petitioner has caused huge loss to the State Exchequer as well as PUNSUP, but he is confined in the present case

for the last more than 6 months and is a first offender. Even the petitioner is a businessman and there are no chances of fleeing from the process of justice. Even the prosecution has been able to examine only one witness, out of total 40 witnesses and the conclusion of the trial may take a long time.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

09.08.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No