

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

I) CRM-M-33536-2021 (O&M)

Sarabjeet Singh ... Petitioner

Versus

State of Punjab ... Respondent

II) CRM-M-52960-2021 (O&M)

Swinder Singh ... Petitioner

Versus

State of Punjab ... Respondent

Date of Decision:-4.1.2023

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. D.S. Sobti, Advocate with
Ms. Jasleen Chahal, Advocate and
Mr. Somnath Tayal, Advocate,
for the petitioner in CRM-M-33536-2021.

Mr. Himanshu Garg, Advocate for
Mr. Hitesh Chopra, Advocate,
for the petitioner in CRM-M-52960-2021.

Mr. Siddharth Attri, AAG, Punjab.

GURVINDER SINGH GILL, J.(Oral)

1. This order shall dispose of the above mentioned two petitions filed on behalf of petitioners Sarabjeet Singh and Swinder Singh seeking grant of regular bail in respect of a case registered vide FIR No.10, dated 19.5.2021, Police Station Vigilance Bureau, Range Amritsar, District Amritsar, under Sections

406, 409, 420, 467, 468, 471, 120-B of Indian Penal Code and Sections 7, 13(2) of Prevention of Corruption Act, 1988.

2. The allegations, in nutshell, are that the petitioners in connivance with co-accused had cheated 'PUNGRAIN' (Punjab State Grains Procurement Corporation) of an amount of Rs.71,26,223/- by showing a fictitious transaction of sale of paddy by 'M/s S.S. Trading Company' to 'PUNGRAIN' through an auction, whereas infact no such auction had been conducted and neither any paddy had been supplied through 'M/s S.S. Trading Company' to 'PUNGRAIN'. It is alleged that on account of the aforesaid bogus transaction, 'PUNGRAIN' released an amount of Rs.71,26,223/- in favour of 'M/s S.S. Trading Company'. It is alleged that petitioner Swinder Singh (in CRM-M-52960-2021) is the Proprietor of 'M/s S.S. Trading Company' and petitioner Sarabjeet Singh (in CRM-M-33536-2021) is the 'Auction Recorder' and the co-accused Harmeet Singh is stated to be the Inspector of Mandi, Mehta.
3. Learned counsel for the petitioner Sarabjeet Singh submitted that the petitioner has been falsely implicated in the present case on the premises that the petitioner Sarabjeet Singh was working as Auction Recorder in Mandi, Mehta, whereas as a matter of fact he was working as Mandi Supervisor and was not supposed to record the proceedings of the auction. The learned counsel representing petitioner Swinder Singh has represented that he had no role to play in alleged forging of official record as he has no domain over the same. It has further been submitted that the petitioners, in any case, have been behind bars since the last about 1½ years and the trial has not even commenced till date.

4. Opposing the petitions, learned State counsel has submitted that having regard to the fact that there are serious allegations levelled against the petitioners and that during the course of investigation the police had collected documentary evidence to show that they had signed on the fake entries pertaining to auction, their complicity is clearly evident. Learned State counsel has, however, not disputed the fact that the petitioners have been behind bars since the last about 1½ years and that charges are yet to be framed and as many as 17 PWs have been cited. It has also been submitted that the petitioners otherwise are not involved in any other case.
5. This Court has considered the rival submissions.
6. It is not disputed that the petitioners have been behind bars for a substantial period of about 1½ years and otherwise enjoy a clean record. 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 17 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 petitioners will not serve any useful purpose. Both the petitions, as such, are accepted and the petitioners are ordered to be released on regular bail on their furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. A copy of this order be placed on the file of connected case.

4.1.2023

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No