

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

**CRM-M-52509-2022(O&M)
Date of decision: 29.05.2023**

SARABJIT SINGH

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Ankit Kharbanda, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

VIVEK PURI,J. (ORAL)

1. Petitioner is seeking anticipatory bail in the case bearing FIR No.224 dated 01.10.2022, under Section 409 IPC, 1860 registered at Police Station Ajnala, Amritsar Rural.
2. On 14.12.2022, the following order was passed in the main petition:-

“Counsel for the petitioner has argued that as per the allegations in the FIR, there is an embezzlement of 100 Wheat bags, which were meant to be distributed to consumers under the Public Distribution Scheme floated by the State Government. It is also submitted that the disputed 100 bags were never received by the petitioner and as per own case of the prosecution, 80 bags stands recovered from some other person. Lastly, it is argued that the petitioner, to show his bona fide, is ready to deposit Rs.75,000/- with the Illaqa Magistrate, which may be kept in the FDRs subject to final decision of the case.

Notice of motion.

Mr. Navneet Singh, DAG, Punjab who is present in the Court accepts notice on behalf of the respondent – State. Counsel for the petitioner is directed to supply a complete copy of paperbook to counsel opposite, during the course of day.

List again on 06.03.2023.

In the meantime, the petitioner is directed to appear before the trial Court/Illaqa Magistrate within a period of 10 days from today and the trial Court/Illaqa

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Magistrate will release the petitioner on interim bail subject to his furnishing fresh bail/surety bonds, provided that the petitioner will deposit the amount of Rs. 75,000/-, which will be kept in an FDRs.

The payment of costs shall be a pre-condition before accepting the bail/surety bonds of the petitioner.

It is made clear that in case the petitioner fails to deposit the amount of Rs.75,000/- with the trial Court/Illaq Magistrate, the interim order will be vacated on the next date of hearing.”

3. Learned counsel for the petitioner contends that in pursuance of interim directions, the petitioner has deposited a sum of Rs.75,000/- in the trial Court which has been kept in the shape of FDR and he has also joined the investigation.
4. On instructions from Ranjodh Singh, learned State counsel has not disputed the aforesaid factual aspects and submits that the custodial interrogation of the petitioner is not required.
5. In view of the aforesaid submissions, the order dated 14.12.2022, granting interim bail to the petitioner is made absolute.
6. The appropriate order with respect to disbursement of amount of Rs.75,000/- deposited in the shape of FDR shall be passed by the learned trial Court on conclusion of the trial.
7. The petition is allowed.

29.05.2023

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(VIVEK PURI)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No