

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

Date of Decision:-03.02.2023

CRM-M-54775-2022

Jasdeep Singh.

.....Petitioner.

Versus

State of Punjab & Anr.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Rahul Singh Birdi, Advocate for the Petitioner.

Mr. Shubham Kaushik, Assistant Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.0085 dated 09.03.2022 under Sections 406, 409, 420 and 427 IPC registered at Police Station City Faridkot, District Faridkot.

The brief facts of the case are that petitioner-Jasdeep Singh was holding the designation of Public Distribution Clerk and was appointed as incharge of the Centre Storage, Unit No.1 of the PUNSUP, Faridkot. The petitioner got stocked grains belonging to PUNSUP in the godowns of M/s R.S. Open Plinth, M/s Brar Open Plinth and M/s Bothra Open Plinth for the crop year 2020-20221. During physical verification of the storage centres, the officials of the department of the FCI and PUNSUP as conducted on 5.3.2022 found shortage of 17,214 gunny bags form M/s Bothra Open Plinth of the value of Rs.2,35,02,963/-. Based on these allegations the petitioner was arrested on 28.04.2022.

The counsel for the petitioner contends that one Iqbal Singh son of Nasib Singh was the incharge of these aforementioned godowns. He

had been dismissed from the department of M.D. Punsup vide order dated 27.11.2020 pursuant to which the petitioner was made incharge on 28.11.2020. The petitioner did not have physical access to the godown as the relevant documents and keys were in the custody of the said Iqbal Singh. A communication had also been submitted by him to respondent no.2 i.e. Manav Jindal, District Manager, PUNSUP, Faridkot (complainant) informing him that he (petitioner) did not have access to the godowns. This fact was brought to the notice of Iqbal Singh by respondent no.2. ON 22.03.2021, the petitioner was given the charge of Bothra Open Plinth and M/s R.S. Open Plinth. The stock audit took place accordingly. However, M/s Bothra Open Plinth remained idle from 28.11.2020 till 22.03.2021 and during the said period the godown was deemed to be under the charge of respondent no.2. Therefore, the offence if any had been committed by the respondent no.2 who himself have been dismissed from service. He thus contends that the liability, if any, was of Iqbal Singh his predecessor or respondent no.2-complainant himself. Since the petitioner was in custody since 28.04.2022, the investigation stood completed and none of the 17 prosecution witnesses had been examined, his further incarceration was not required more so when he was a first time offender with no other case registered against him.

The learned Counsel for the State on the other hand contends that magnitude of the offence allegedly committed by the petitioner did not entitle him to the grant of bail. He however, does not deny the fact that the respondent no.2/complainant himself has been suspended.

I have heard learned Counsel for the parties at length.

The allegations as levelled in the FIR and the report under Section 173(2) Cr.PC shall be substantiated during the course of trial. The petitioner is stated to be in custody since 28.04.2022 and none of the 17 prosecution witnesses have been examined so far. Therefore the Trial of the present case is not likely to be concluded anytime soon. Further the petitioner is a first time offender and, therefore, his further incarceration is not required.

Thus, without commenting on the merits of the case, the petition is allowed and petitioner-**Jasdeep Singh** son of Sh. Karamjit Singh is ordered to be released on bail subject to the satisfaction of learned

CJM/Duty Magistrate, concerned.

The petitioner shall appear before the police station concerned on the first Monday of every month till the conclusion of the trial and inform in writing that he is not involved in any other crime other than the present case.

In addition, the petitioner (or any one on their behalf) shall prepare a FDR in the sum of Rs.2,00,000/- each and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

The Petition stands disposed of.

(JASJIT SINGH BEDI)
JUDGE

Feburary 03, 2022

Vinay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>