

CRM-M-57515-2023

212 IN THE HIGH COURT OF PUNJAB AND HARYANA
 CHANDIGARH
 CRM-M-57515-2023 (O&M)
 Date of Decision: 19.12.2023

MANVEER SHARMA

...Petitioner

V/S

STATE OF PUNJAB

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Amitabh Tewari, Advocate
 for the petitioner.

Mr. I.P.S. Sabharwal, DAG Punjab.

HARPREET SINGH BRAR J. (Oral)

1. Through instant petition, the petitioner is seeking anticipatory bail in case FIR No. 187 dated 27.09.2023 registered under Section 409 of Indian Penal Code at Police Station Lehra, District Sangrur.
2. On 10.11.2023, following order was passed:

“This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail in a case bearing FIR No.187 dated 27.09.2023 under Section 409 of IPC registered at Police Station Lehra, District Sangrur (Anneuxre P-1).

The instant case arising out of the FIR registered on the application moved by the District Manager, PUNSUP, District Sangrur, with the allegation that the petitioner was posted as Incharge of the Centre at Lehragaga and tender regarding dispatch of unusable wooden crates was given to M/s Bansal and Sons. As per the Audit Branch, PUNSUP, Sangrur, there is a shortage of 1288.42 KGs in the weight of wooden crates which has resulted into a financial loss to the Corporation to the tune of Rs.6,22,307/-.

Learned counsel for the petitioner inter alia contends that the petitioner was not Incharge of the dead stock and without there being any entrustment, he cannot be made liable for an offence under Section 409 IPC. In fact, Sh. Vikas Kumar, Inspector, Grade-II was the Incharge of the dead stock. The charge of the dead stock wood was given to Sh. Vikas Kumar in the year 2012-13. The shelf life of the dead stock wood is four years. As such, after a lapse of more than ten years, it is natural that the weight of the dead stock wood would be reduced.

Notice of motion.

On the asking of the Court, Mr. Kirat Singh Sidhu, DAG, Punjab puts in appearance and accepts notice on behalf of the respondent-State.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 21.11.2023 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C.*

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate,

who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 19.12.2023.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.”

3. Learned State counsel on instructions from ASI Jasbir Singh, submits that in compliance of order dated 10.11.2023 passed by this Court, the petitioner has joined the investigation on 17.11.2023 and is not required for further custodial interrogation.
4. Keeping in view the statement made by learned State Counsel the order dated 10.11.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.

19.12.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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