



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

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CRM-M-6613-2024
Date of Decision : **July 24, 2024**

MAHESH CHANDER RATHORE

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. S.K.Sharma, Advocate for the petitioner.
Mr. Pardeep Bajaj, DAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. Through the instant petition filed under Section 439 Cr.P.C. the petitioner prays for grant of regular bail in case FIR No.195 dated 12.9.2019, under Sections 420, 465, 467, 468, 471, 406, 120-B IPC, registered at Police Station Lambi, District Sri Muktsar Sahib, Punjab.

2. Learned counsel for the petitioner in the asking for the relief (supra) submits that the petitioner has no role to play in the instant FIR. While drawing the attention of this Court towards the sequence of events, he submits that till 9.5.2018, the stock was found to be correct and it was found to be deficit for only when it was subsequently checked by the Chief Manager, Punjab National Bank, Circle Office, Bathinda (Nodal Officer) alongwith the complainant on dated 29.6.2018. He further submits that prior to that on dated 18.1.2023, the petitioner was transferred, therefore, no criminal liability can be fastened upon the present petitioner. He also submits that out of ten accused cited in the final report, five have already been granted the relief of anticipatory bail, whereas, one accused was granted the relief of regular bail. He in addition submits that though the petitioner



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was declared as a proclaimed offender, however, he has surrendered before the learned trial Court concerned on dated 19.12.2023 and till date, he is behind bars.

3. He over and above finally submits that *qua* the same incident/occurrence, similar complaint was also made by Punjab National Bank concerned and FIR has been registered by the CBI, in which also the petitioner has been arrested but he was granted bail by the learned trial Court concerned itself, on the same day i.e. 9.1.2023 (Annexure P-5). He also placed reliance upon the order passed by a co-ordinate Bench of this Court on dated 17.8.2021, whereby Ram Kumar, who is stated to be Operational Executive, has been granted bail.

4. The learned State counsel has opposed the grant of regular bail to the petitioner and submits that it was the duty of the petitioner to make regular checking of the stocks being a senior auditor with the complainant-company and he in connivance with the main accused did not report about the deficit of paddy stock in time, which led to loss of Rs.17.43 Crores.

5. This Court has considered the rival submissions made by the learned counsel for the parties concerned and is of the view that the instant petition deserves to be **allowed** for the reasons that as per the FIR itself till 9.5.2018, the stock was found intact, whereas, the shortage of stock was first noticed on dated 29.6.2018 and the claim of the present petitioner was that



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he was transferred in the year January 2018, therefore the issues whether, the stock was siphoned off during the tenure of the present petitioner, or after his tenure and whether the reports which are mentioned in the FIR, which were subsequently found to be forged are moot questions, which were to be decided by the learned trial Court concerned, after adduction of evidence by the prosecution. Secondly, co-accused, namely, Ram Kumar, who is alleged to be working on the post of Executive Operational and is also responsible for maintaining the stock in the godown has already been granted bail by a coordinate Bench of this Court vide order dated 17.8.2021. Further, the prosecution has cited total 52 witnesses in the final report, and till date only 4 witnesses have been examined and all the offences under which the petitioner is facing trial, is exclusively triable by the learned Judicial Magistrate 1st Class concerned, therefore, the conclusion of trial would take long time.

6. In view of the facts and circumstances recorded above, this Court deems it fit and appropriate to extend the benefit of regular bail to the petitioner. Therefore, the present petition is **allowed**.

7. The petitioner is ordered to be released on bail on furnishing of bail bonds and surety bonds to the satisfaction of concerned Chief Judicial Magistrate/trial Court/Duty Magistrate.



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8. However, anything observed here-in-above shall have no effect on the merits of the case and is meant for deciding the present petition only.

July 24, 2024
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(KULDEEP TIWARI)
JUDGE
Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No