

GURNAM SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Anureet Singh Sidhu, Advocate for the petitioner.

Mr. Jatinder Pal Singh, Sr. DAG, Punjab.

SANJIV BERRY, J.(ORAL)

The instant petition has been preferred by the petitioner under Section 439 of the Criminal Procedure Code for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
0003	04.01.2024	406, 120-B IPC (407 IPC added later on)	City Kotkapura, District Faridkot

2. Arguments heard.
3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and is in custody since 04.02.2024, after completion of investigation challan has already been presented in Court. He contends that petitioner is not having



any criminal antecedents, nor any specific overt act has been attributed to him. He contends that as per reply submitted by the State the petitioner is implicated on his own confession statement which is not admissible in the eyes of law, hence prayed for grant of bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State has opposed the bail application by arguing that the petitioner was nominated on the basis of disclosure statement made by co-accused Joga Singh and alleged to have misappropriated the paddy belonging to the complainant. Hence, he prays for dismissal of the bail petition.

5. After considering the rival contentions and perusing the record, it transpires that as per allegations, the complainant had loaded one truck of paddy for delivery to Ramesh Kumar, sheller owner at Tarn Tarn. Total 298.90 qtl of paddy was loaded on 01.12.2023, however the paddy did not reach the destination and alleged to have been misappropriated by Joga Singh in connivance with Manjinder Singh and Surjit Singh. Consequently, Joga Singh was arrested and on the basis of his disclosure statement present petitioner was nominated and arrested on 04.02.2024. There is no specific overt act attributed to the petitioner in the transactions, after completion of investigation, challan has already been presented in Court and the conclusion thereof, to ascertain criminal liability, if any of the petitioner in the present case triable by the Court of Magistrate, will take sufficient long time.

6. In these circumstances, without commenting on the merits of the case, it is observed that no purpose would be served by keeping the petitioner behind bars. Therefore, the present petition is allowed. The petitioner is



ordered to be released on bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

30.09.2024
Gyan

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |