

JOGA SINGH

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

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

Present:- Mr. Ajit Pal Singh, 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 IPC (120-B and 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 simply because he happens to be the owner of truck in question. He contends that the petitioner had not embezzled any paddy as alleged in the FIR and is

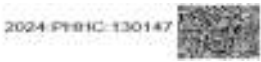


in custody since 02.02.2024, as such he prays for grant of concession of bail to the petitioner.

4. *Per contra*, learned State counsel has opposed the bail application by arguing that the petitioner being the owner of the truck has embezzled the paddy which was meant to be delivered at Tarn Taran but did not reached the destination. 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 the petitioner in connivance with Manjinder Singh and Surjit Singh. The petitioner happens to be the owner of the truck wherein the paddy was loaded by the complainant. Consequently, petitioner was arrested on 02.02.2024 and since then he is in custody and is not having any criminal antecedents. 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 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

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