

2025.PHHC.006118



232.

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

CRM-M-56541-2024

Date of decision: 14.01.2025

Yadwinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Lalit Singla, Advocate and
Ms. Sandeep Kaur, Advocate, for the petitioner.

Mr. Amit Rana, Senior DAG, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This is second petition that has been filed under Section 483 of BNSS, 2023 for grant of regular bail to the petitioner in case FIR No.0277, dated 02.08.2022, under Sections 409, 120-B of IPC and Section 13 of Prevention of Corruption Act, 1988 (Amendment Act of 2018) registered at Police Station City Ferozepur, District Ferozepur.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It has been contended that as per the policy dated 09.07.2020, in cases of wheat stock shortages, recovery was to be made on a 'man-to-man' basis. The petitioner was not

incharge of the godowns in question and cannot be held liable for the shortages.

It is further argued that, as per the procedure, reports regarding shortages in godowns must be prepared, and for the relevant period, such reports were prepared by Inspector Baljeet Ram and Assistant Food and Supplies Officer Darbara Singh, and not the petitioner. The only alleged role attributed to the petitioner is that of a joint custodian of the godowns alongside Baljeet Ram, who has already been granted bail.

Learned counsel has also emphasized that the petitioner has been arraigned as an accused solely based on a letter dated 28.09.2012, which has since been modified by the department through memo No.1084-1085. As per this modification, only Inspectors posted at the relevant Warehouse are liable for shortages, and the petitioner was not among them.

Additionally, it is submitted that in a connected FIR involving similar allegations, the petitioner has already been granted regular bail by this Court. Attention of this Court has been drawn to the orders passed in those FIRs annexed as Annexures P-10 to P-12.

Learned counsel has, therefore, urged that since the petitioner has been in custody for the past about 06 months having been arrested on 02.08.2024, and not only has the challan been presented but even charges framed, hence, his further incarceration would serve no useful purpose as 34 prosecution witnesses out of 38 cited remain to be examined.

Considering that the trial would take time to conclude, the petitioner, therefore, be enlarged on bail.

Per contra, learned State counsel while opposing the prayer and submissions made by the counsel opposite, has argued that the petitioner, as an Inspector in the department, was the custodian of the stocks that were misappropriated and embezzled. Physical verification of the godowns in Ferozepur district revealed a shortage of 10364 bags of Central Pool Wheat and 16389 State Pool Wheat, resulting in a financial loss of Rs.2,31,00,000/- to the State. However, when a query was put to the learned State counsel, he, on instructions, did not dispute that similarly situated co-accused have already been granted bail vide orders annexed as Annexures P-7 and P-8. It is also undisputed by the learned State counsel, on instructions, that not only has challan been presented and charges framed but 34 prosecution witnesses remain to be examined.

I have heard learned counsel for the parties and perused the material placed on record.

The petitioner has been in custody since 02.08.2024. Out of 38 prosecution witnesses, 34 remain to be examined, making the conclusion of the trial unlikely in the near future. Co-accused in similar circumstances have already been granted bail. Moreover, since the case of the prosecution hinges on documentary evidence, there can be no risk of the petitioner tampering with evidence in case he is enlarged on bail.

In the facts and circumstances as enumerated hereinabove, this Court deems it fit to extend the concession of bail to the petitioner.

Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

January 14, 2025
sanjeev

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