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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.64163 of 2024
Date of Decision: 08.01.2025

Manpreet Singh @ Mani ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Amjad Khan, Advocate,
for the petitioner.

Ms. Ruchika Sabherwal, Sr. DAG, Punjab,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
0063	13.05.2024	Moti Nagar, District Police Commissionerate (Ludhiana)	408 and 120-B of IPC (411, 420, 465, 467, 471 and 201 of IPC added later on)

2. Adumbrated facts as emanating from the record are that the aforementioned FIR had been registered on the basis of statement recorded by the complainant Majorjit Singh who is running a transport

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business under the name of New Kuldeep Goods Carrier alleging that on 03.04.2024, iron rods worth Rs.50 lakhs were loaded in two trucks from his transport office and were sent to Mega Engineering Infrastructure Limited at Kathua, State of Jammu & Kashmir. The accused Harjit Singh and Harvinder Singh were the drivers of those trucks. Subsequently, it was revealed that the delivery of the iron rods had not been effected and the drivers in connivance with some employees of the above named company had misappropriated the iron rods loaded in the trucks. After registration of FIR, investigation proceedings were initiated. The above named accused had been arrested. Subsequently, it was revealed that the present petitioner too had connived with the drivers of the trucks in misappropriating the iron rods and committing theft of the same and his name was nominated as as accused. The petitioner was arrested on 05.06.2024. Investigation stands concluded.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 05.06.2024. There is nothing on record to show that he was involved in commission of the subject offences. The co-accused Tarun Sharma and Kashmira Khan have been extended benefit of bail. The trial would take time. His further incarceration would not serve any useful purpose. Therefore, it is urged that the petition deserves to be allowed.

4. Per contra, Ms. Ruchika Sabherwal, Sr. DAG, Punjab, who has advance notice of the petition has argued that the petitioner had connived

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with the co-accused in criminal misappropriation of the iron rods loaded in the trucks of the complainant and keeping in view the nature of the allegations as levelled, he does not deserve to be released on bail.

5. I have heard learned counsel for the parties at considerable length and have gone through the record.

6. The petitioner in connivance with the co-accused is alleged to have misappropriated iron rods loaded in the trucks of the complainant as consignment for Mega Engineering Infrastructure Limited. The Investigating Officer ASI Jagtar Singh present in the Court has, however, not been able to show as to on what basis the petitioner had been involved in this case. He was not named in the FIR neither any co-accused is alleged to have taken his name. He is in custody since 05.06.2024. The subject offences are triable by Magistrate. The trial would take time. It is well settled proposition of law that the bail is the rule and jail is an exception. Keeping in view the discussion as made above but without meaning to make any comment on the merits of the case, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court.

08.01.2025
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(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No