

**IN THE COURT OF SHRI VIKRANT KUMAR,
ADDITIONAL SESSIONS JUDGE,
MOGA (UID No.PB00213).**

CNR No.PBMO010035432021
CIS Filing No.BA/1410/2021.
Date of order : 26.07.2021.

State	Versus	1. Vijay Singh son of Amarjit Singh, resident of Village Badduwal, Tehsil Dharamkot, District Moga. 2. Balvir Singh @ Veeru son of Mohinder Singh resident of House No.604, Ward No.24, Bahona Chowk, Preet Nagar, Moga.
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---Applicants-accused

FIR No.109 dated 14.07.2021.
Under Sections : 420,408,381 IPC.
Police Station : City Moga.

Bail Application under Section 438 Cr.P.C.

Present:- Shri Anshuman Syal, Additional Public Prosecutor for State.
Shri Ajit Verma, Advocate for applicants-accused Vijay Singh and Balvir Singh @ Veeru.

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ORDER

The brief facts of the case, which require consideration for disposal of the present bail application are that present FIR has been got lodged by ASI Harmesh Lal on the allegations that on 14.07.2021, he along with other police officials was present at Gandhi Road, Moga in connection with petrolling and in search of suspected persons. He received secret information that applicants-accused Vijay Singh along with Veeru Singh and Kulwinder Singh, who are labourers, used to commit theft of rice and wheat bags when Special is organized to load wheat and rice belonging to Government Agencies in the goods train from the godowns in trucks. Thereafter, they used to change bardana of Government

Agencies into private and sell them to different wheat flour mills in the city. For the said purpose, applicant-accused Vijay Singh has parked Eicher Tractor bearing No.PB-4478 loaded with wheat and rice in the Grain Market, Moga and if raid is conducted, they can be apprehended red handed. Raid was conducted. One gatta of 35 kilograms wheat, seven gattas of 35 kilograms each rice were recovered from possession of accused Kulwinder Singh. On the basis of confessional statement of Kulwinder Singh, 3 wheat bags, 3 rice bags and 31 empty bags of bardana belonging to Government Agencies were recovered from his possession. He was arrested. Now, apprehending their arrest, the accused-applicants have filed the present bail application.

2. Learned counsel for applicants-accused has submitted that the applicants have been falsely implicated in the present case. The alleged wheat and rice belongs to Food Corporation of India, but there is no FIR lodged by the department to the police. He has prayed that pre-arrest bail be granted to the applicants-accused.

3. On the other hand, learned Additional Public Prosecutor has submitted that police got the secret information that from godowns truck drivers got wheat and rice belonged to Government Agencies loaded for transporting to the good train for delivering to other States. While transporting from godowns to railway station, accused persons used to commit theft of wheat and rice with the connivance of truck drivers and caused loss to the State Exchequer. He has prayed that pre-arrest bail be dismissed.

4. I have heard the learned counsel for the applicants-accused as well as learned Additional Public Prosecutor for the State.

5. Present FIR was lodged on the basis of secret information. Co-accused Kulwinder Singh was arrested from the spot on 14.07.2021 whereas applicants-accused could not be arrested from the spot. Recovery of 4 wheat bags, 10 rice bags and 31 bags of empty bardana belonging to

Government Agencies have been recovered from co-accused Kulwinder Singh. In this way, the applicants-accused along with co-accused have caused loss to State exchequer. In view of seriousness of allegations and gravity of offence allegedly committed by accused-applicants and necessity of custodial interrogation, no merit is found in present pre-arrest bail application and same stands dismissed. File be consigned to record room.

Pronounced.
Dated :- 26.07.2021.
Jagjit Singh Panesar, Stenographer-I

(Vikrant Kumar)
Additional Sessions Judge
Moga (UID No.PB00213).