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

CRM-M No. 10873 of 2015 (O&M)

Dated of Decision: 03.12.2015

Harpreet Singh

..... Petitioner

Vs.

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. G.S. Kaura, Advocate
for the petitioner.

Mr. Pawan Girdhar, Addl. A.G., Haryana and
Mr. Rajiv Doon, AAG, Haryana
for the respondent/State alongwith
DSP Mahavir Singh, State Crime Branch.

JASWANT SINGH, J. (ORAL)

Petitioner-Harpreet Singh has prayed for grant of anticipatory bail in case FIR No. 349, dated 17.12.2014, under Sections 420, 409, 120-B of the Indian Penal Code and Section 13 (1) (d), Prevention of Corruption Act, registered at Police Station Sadar Tohana, District Fatehabad.

As per the FIR lodged by Sh. Lekh Ram, Assistant Food and Supply Officer (in short 'AFSO'), Tohana, on inspection of the premises and records of M/s. Shivaji Foods, a rice mill, situated at Chander Kalan, Tehsil Tohana, District Fatehabad, it was found that there was misappropriation of 86000 quintals of paddy of the Food and Supply Department (in short 'the Department') for the year 2014-15. It is also alleged that Sh. Satpal Singla, Inspector of the Department, posted at the Procurement Centre, Tohana, was actively involved in execution of such fraud and

causing loss to the Department.

After conduct of investigation, it is the case of the investigating agency that fake bills of purchase of paddy from the farmers were prepared by the Commission Agents and in connivance with the Department officials, huge amounts of money were got released towards payment of such fake purchases and the booty shared. These kinds of fake transactions relate to various Commission Agents. As far as the Rice Millers are concerned, the allegations against them are that they have shown stocks of paddy purchased/received by them whereas no such paddy was purchased/received by them. The said fake entries have been shown in connivance with the Department officials.

In sum and substance, it is alleged that there is a scam of almost Rs. 14 crores of fake procurement of paddy from the farmers by the commission agents with connivance of the Department officials and thereafter, non-supply of custom mill rice by the rice millers to the Food Corporation of India.

The petitioner is a Rice Miller and the lessee of M/s. Shivaji Foods, Chander Kalan. The allegations against him is that he has issued the fake receipts of 1,07,822 quintals of paddy whereas the paddy received in actual is far less than the receipt issued. He is in connivance with the co-accused-Ranjit Singh and Karamjeet Singh alongwith the officials of the Department involved in the conspiracy of mis-utilizing the Government funds.

Learned counsel for the petitioner submits that his contract for supply of custom mill rice in lieu of receipt of paddy from the Department was ending on 31.03.2015 and much before the said date, the raid was conducted and FIR was lodged on the basis of fake receipts generated by the Department officials.

Learned State counsel submits that during the course of investigation,

Section 406, 467, 468 and 471 of the Indian Penal Code have been added and the active involvement of the petitioner alongwith the officials of the Department has surfaced. A perusal of seized record and physical stock verification of the premises in the rice mill clearly show that there was a shortfall of stocks. The custom mill rice was to be periodically supplied, but the same was not supplied. Even after the end of contract period, the required custom mill rice was not supplied. He further submits that in the statements of Satpal Singla, Inspector of the Department and Gurdas, Munshi of M/s. Shivaji Foods, recorded under Section 164 Cr.P.C. before the trial Court, active involvement of the present petitioner/accused has been revealed.

Learned counsel for the parties have been heard.

Without commenting on the merits of the case, keeping in view the nature and gravity of the offences, it is evident that the chain of the investigation cannot be completed without custodial interrogation of the petitioner and his co-accused persons.

Accordingly, the present petition is dismissed.

December 03, 2015

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(JASWANT SINGH)
JUDGE