

202-B/202

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

1) **CRM-M No. 11489 of 2015 (O&M)**
Dated of Decision: 03.12.2015

Karamjeet Singh Petitioner
Versus

State of Haryana Respondents

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2) **CRM-M No. 14811 of 2015 (O&M)**

Karamjeet Singh Petitioner
Versus

State of Haryana Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. S.K. Garg Narwana, Sr. Advocate with
Mr. Rahul Deswal, 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)

This common order will dispose of two aforementioned petitions for grant of anticipatory bail filed by the accused/petitioner-Karamjeet Singh in case FIR No. 349, dated 17.12.2014, registered at Police Station Sadar Tohana, District Fatehabad.

The aforementioned first petition was filed when the allegations were

only for offences under Sections 420, 409, 120-B of the Indian Penal Code and Section 13 (1) (d) of the Prevention of Corruption Act. The aforesaid second petition was subsequently filed when the offences under Sections 406, 467, 468 and 471 of the Indian Penal Code were added later on in the aforesaid FIR.

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.

Petitioner-Karamjeet Singh is a Commission Agent in Anaj Mandi, Dharsul, Distt. Fatehabad and functioning under the name and style of Shri Ganesh Trading Company. The involvement of the petitioner has surfaced in the investigation on the disclosure statement of Satpal Singla, Inspector of the Department, whereby it has been revealed that he was actively involved alongwith his co-accused Harjeet Singh, Ranjit Singh and Satpal Singla in preparing fake record of purchase of 11480 quintals of paddy through his firm i.e. Shri Ganesh Trading Company and fraudulently received a sum of Rs. 1,82,56,000/- (Approximately) from Government Agency. They have also found showing entries regarding release of paddy in favour of rice mill-M/s. Shivaji Foods (owned by co-accused-Harjeet Singh).

Learned counsel for the petitioner submits that entire record relating to purchase of paddy from the farmers and its release to the Rice Millers was verified and signed by the Department officials. He further submits that even the amount of payment of such purchase were released by the Department after verification and on the instructions of the DFSO. Therefore, the petitioner is innocent.

On the other hand, learned State counsel submits that it is the precise case of the Investigating Agency that there is active involvement of the officials of the Department, who have also been arrested. It is only on their arrest that the name of the accused persons has surfaced. He further submits that in the statement of one Gurdas, recorded under Section 164 Cr.P.C. before the trial Court, who was a Munshi of M/s. Shivaji Foods, the entire gamut of conspiracy and fake bills of purchase and fraudulently release of money etc. has surfaced the names of the petitioner alongwith co-accused persons, namely, Ashwani, Nitin, Ranjit, Harpreet and Rajinder Kumar. Apart from the above, it is also submitted that the material

evidence/record is available with the prosecution.

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**