

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

CRM-M-20923 of 2015
Date of Decision: 31.07.2015

Subash Babu

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. B.S. Bhalla, Advocate
for the petitioner.

Mr. Ashish Sanghi, DAG, Punjab.

SNEH PRASHAR, J. (Oral)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of anticipatory bail to the petitioner in case First Information Report No.07 dated 19.05.2015 under Section 409 of the Indian Penal Code and Section 13(1) (d) read with Section 13(2)D of the Prevention of Corruption Act, registered at Police Station Vigilance Bureau, Ferozepur Range, Ferozepur.

2. On a complaint sent by Managing Director Punjab State Warehousing Corporation District Office Moga, the first information report, particulars of which have been mentioned above, was registered. The allegations were that on physical inspection of State Warehousing corporation Kot Ise Khan District Moga, by a committee consisting of

Surjit Singh ADM, Jaswinder Singh, ASFO, Moga and Rama Nand Assistant, State Warehousing Corporation Nihalsingh Wala, it was found that food grains and empty gunny bags worth Rs.64 lacs approximately lying stored in the Godowns of Punjab Raj Godam Nigam situated at Kot Ise Khan during the year 2011-12 and 2012-13 were missing/had been misappropriated. Accused-Subhash Babu was said to be the incharge of the Centre and was the custodian of the whole stocks/items lying in the Centre at the relevant time. The allegation is that he had not performed his duty with due diligence and his negligence had caused huge financial loss to the State.

2. Heard the submissions made by Mr. B.S. Bhalla, Advocate representing the petitioner and Mr. Ashish Sanghi, DAG, Punjab representing the State.

3. It was argued on behalf of the petitioner that the shortage in stock was due to natural causes i.e. excessive rain, prolonged storage and damage to stock by birds etc. The petitioner had been making repeated representations to the District Officer from time to time to move the stocks from the open plinth to some other place but no action was taken by the concerned authorities. There was no negligence or default on his part and the shortage/damage if any to the stock took place because he did not have sufficient staff for maintaining the stores.

4. On the other hand, learned State counsel submitted that the physical verification of the stock was conducted in the presence of the petitioner. The statements showing shortage/damage prepared by the

committee bear his signatures.

5. The allegation against the petitioner is that he was incharge of the Punjab State Godown at Kot Ise Khan and the wheat bags in huge quantity for the crop year 2011-12 and 2012-13 lying in the said godown were found short. In addition to that the articles lying in dead stock and the gunny bags etc. were also found short. On that count the complainant Corporation suffered a loss to the tune of Rs. 64 lacs approximately. Such huge shortage in the stock could not be simply due to excessive rain or prolonged storage. The matter requires thorough investigation for which custodial interrogation of the petitioner is necessary and thus finding no ground for grant of concession of anticipatory bail to the petitioner, the present petition is hereby dismissed.

July 31, 2015
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(SNEH PRASHAR)
JUDGE