

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

Crl. Misc. No. M-22476 of 2015 (O&M)
Date of decision : 18.08.2015

Mahavir Singh

..... Petitioner

versus

State of Punjab

... Respondent

with

Crl. Misc. No. M-24350 of 2015 (O&M)

Neeraj Sethi

..... Petitioner

versus

State of Punjab

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. S.P.S. Sidhu, Advocate
for petitioner Mahavir Singh
(in CRM-M-22476-2015).

Mr. Dilpreet Singh Gandhi, Advocate
for the petitioner Neeraj Sethi
(in CRM-M-24350-2015).

Mr. V.P.S. Sidhu, Asst. AG, Punjab.

ANITA CHAUDHRY, J.

Two separate petitions have been filed seeking anticipatory bail in FIR No.11 dated 29.06.2015, registered under Sections 420, 467, 468, 471, 120-B IPC and Sections 13(1) (D) read with Section 13(2) of the PC Act at Police Station Vigilance Bureau, Bathinda Range, District Bathinda.

A complaint was made by a farmer on which an enquiry was held and finally the FIR was registered. Petitioner Mahavir Singh was Seeds Certification Officer while Neeraj Sethi was Assistant Seeds Certification Officer. The petitioners had been asked to join the investigation.

The State was asked to file a detailed reply the same has been submitted.

The counsel for the petitioner Mahavir has urged that his work was only supervisory and he was not to visit the spot and the petitioner was on the verge of retirement and there was no blot on his career. It was urged that his duty is not to visit the fields and the petitioner had only to check the inspection reports which are on record and custodial interrogation is not required.

The submission on behalf of petitioner Neeraj Sethi is that the seeds were prepared under the supervision of Mahavir Singh and there were no rules or guidelines and it was only recently that directions were issued and the Departments were asked to mention the details of Killa and Khasra numbers where the seeds producers have to sow seeds. It was urged that there were no loss to the Department and the figure mentioned in the FIR cannot be verified and his role was limited.

The State counsel submits that the loss is yet to be calculated as the officers from the Central Seed Farm are yet to be joined in the investigation. It was urged that both the

petitioners were involved and loss had occurred and the farmers had made a complaint and on an enquiry, it was found that the farmers had not got their land registered and fake bills were produced and bills were got verified and were forged.

It would be relevant to refer to paragraphs no.4 to 7 of the reply which are as under:-

"4. That during the inquiry of the complaint on the basis of which present FIR was registered it was found that Central State Farm Hissar in year 2012-2013 had supplied gram seed as per tender to Mukta Seed Co. Kharar for preparing gram seed (Black Chana) and to pay Rs.405/- per quintal as processing fees to Mukta Seed Co. Kharar. List was prepared by the firm and not by the CSF Hissar regarding the registration of land for sowing and production of the seed crop of gram seed and Neeraj Kumar Sethi Seed Certification Assistant Officer in-connivance with Mukta Seed Co. had prepared the false and fake inspections reports. During the enquiry further fact has come on the file that Mukta Seed Co. had purchased the gram seed (Black Chana) from different grain markets and supplied the said seed to Central State Farm Hissar to the quantity of 3930 quintal which is of spurious quality and further charged Rs.405/- processing charge per

quintal from Central State Farm Hissar and caused monetary loss to the Central State Farm Hissar.

5. That during the enquiry the lists of the farmers were obtained from regional office Kothapura whose lands were got registered by the firms for preparing seeds and statements of farmers namely Karnail Singh son of Ranjha Singh, Inderjit Singh son of Manjit Singh, Kaur Singh son of Jhanda Singh, Gurbhej Singh son of Madan Singh, all residents of Gidderwali, P.S. Sarwar Khuian, Distt. Fazilka were recorded and as per their statements they have never got registered their land for production of the gram seeds with the firms.

6. That similarly petitioner Neeraj Kumar Sethi, Seed Certification Assistant Officer while posted at Regional Seed Certification Office Kotkapura had also got prepared false inspection reports of year 2013 regarding the production of Mungi/pulse seed variety SML 668 for Krishi Vikas Co-operative Samiti Ltd. Abohar regarding which 400 hectares of land was got registered and the inspection report of the said land was to be prepared by Regional Seed Certification office of Kotkapura. During enquiry some of the farmers

were joined in enquiry whose land was got registered, but the farmers got recorded their statements that they never got registered their land for production of Mungi Seed crop and they also stated that nor they ever sown the Mungi Crop for production of seed crops.

7. That in enquiry it is also revealed that the purchase bill of the wheat seed crops from University by the firms was also got verified by Dr. Mahavir Singh and on enquiry it was found that the bills were fake and forged. As wheat crop seed purchase bills of Mittal Seed Farm, Rama Mandi and Gobind Seed Processing Plant, Sema and purchase bill No.1346 dated 25.11.2012 in the name of Raj Seed store, Rohtak, Haryana of wheat seed purchased from Central State Farm Sardargarh, Rajasthan was found to be fake and forged as Central State Farm Sardargarh, Rajasthan had never sold the wheat seed to Raj Seed Store, Rohtak. The said bills were even got verified by Director, Punjab Seed Certification Authority, Chandigarh who found that the said bills were fake and forged one. But it is the duty of Dr. Mahavir Singh, Regional seed Inspection Officer who had not verified the bills in time."

The allegations against the petitioners are that the land was shown to have registered and farmers were to be joined but in fact no land was registered nor the farmers were joined. The seeds which were supplied were of spurious quality and it had caused loss to the Central State Farm. The bills which were submitted, were verified from Central State Farm, Sardargarh, Rajasthan were fake. Involvement of both the petitioners has been found. A case had been registered under the Corruption Act and also under Section 420, 467, 468 IPC. The allegations are serious. No case for anticipatory bail is made out.

Both the petitions are dismissed.

(ANITA CHAUDHRY)
JUDGE

18.08.2015
Sunil