

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

CRM No.M-33280 of 2015 (O&M)

Date of decision: 08.10.2015

Radhey Shyam

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Sandeep Singh, Advocate for the petitioner.

Mr. Yashwinder Singh, DAG, Haryana
assisted by SI Balwan Singh

JITENDRA CHAUHAN, J. (Oral)

CRM No.32352 of 2015

The prayer in this application is for impleading the complainant namely Dilawar Singh, DFSC, District Manager, CONFED Gurgaon, District Gurgaon as respondent No.2.

For the reasons contained in the application, the same is allowed and complainant-Dilawar Singh DFSC, District Manager, CONFED Gurgaon, District Gurgaon is impleaded as respondent No.2 in the present case.

Amended memo of parties is taken on record.

Main Case

By way of petition under Section 438 of the Code of

Criminal Procedure, the petitioner has sought anticipatory bail in case FIR No.379, dated 22.08.2015, registered under Section 7 of the Essential Commodities Act and 409 of the Indian Penal Code (for the 'the IPC') at Police Station Rajendra Park, District Gurgaon.

The learned counsel, inter alia, contends that the petitioner has been falsely implicated in the present case as he brought in light the corrupt practices of DFSC, Gurgaon. The present FIR was registered against the petitioner on 22.08.2015, whereas the petitioner has handed over the charge of the alleged store to Surajmal and Prem Puran Singh on 30.06.2015. There are material contradictions in the version given by the complainant and the status report of the police.

On the other hand, the learned State counsel states that the allegation against the petitioner is misappropriation of 23.50 quintals sugar when he was posted as Store Keeper, CONFED, Gurgaon. He placed on record a communication dated 05.10.2015 sent by Prem Puran Singh to the Police Station Rajendra Park, Gurgaon, which shows that the petitioner did not hand over the charge till 05.10.2015 along with other relevant documents. Therefore, the petitioner is not entitled for bail.

Communication dated 05.10.2015, is taken on record as Mark 'A'.

I have heard the learned counsel for the parties and perused the record with their able assistance.

Keeping in view the nature of allegation; the quantity of misappropriated stock by the petitioner being in-charge of the CONFED,

Gurgaon and the fact that he has not handed over the charge to his successor-Prem Puran Singh, which is duly corroborated by the communication dated 05.10.2015, no case for bail is made out at this stage.

Dismissed.

Nothing expressed hereinabove would be taken to be an opinion on merits of the case.

08.10.2015

ashok

(JITENDRA CHAUHAN)
JUDGE