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

CRM-M No. 36527 of 2015 (O&M)

Dated of Decision: 03.12.2015

Anil Kumar

..... Petitioner

Vs.

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Keshav Pratap Singh, 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-Anil Kumar 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 (Sections 467, 468 and 471 of the Indian Penal Code added later on) and Section 13 (1) (d) of the 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.

Learned counsel for the petitioner submits that the petitioner is a commission agent in Dharsul Kalan Mandi. He is not the proprietor of M/s. Anil Kumar BaldevSingh, Grain Market, Dharsul (Fatehabad). He is engaged as a Munim there and because of his good reputation, proprietor (co-accused-Baldev Singh) hired him and used his name in the firm. He further submits that entire record relating to purchase from the farmers and release to the rice millers was verified and signed by the Department officials. He further submits that even the amount of payment were released by the Department after verification and on the instructions of the DFSO.

Learned State counsel submits that the petitioner has conspired with the main and other co-accused in misappropriation of paddy by preparing the fake

record of 5900 qunitals paddy, purchased by the Govt. Agency from various farmers through his firm whereas in actual no single bag of paddy was purchased through his firm. In lieu of the same, he dishonestly received a sum of Rs. 91,48,103/- from the Department. During the course of investigation, sufficient incriminating evidence against the petitioner regarding his complicity in the commission of offences in pursuance of criminal conspiracy hatched by him and other co-accused persons for misappropriating the paddy/Govt. funds has surfaced on the police file.

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**