

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

CRM-M-36636-2014 (O&M)

Date of decision : 16.02.2015

Desraj Singh

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Jasjeet S. Dhaliwal, Advocate for the petitioner.

Ms. Harsimrat Rai, DAG, Punjab,
assisted by ASI Gurjeet Singh.

JITENDRA CHAUHAN, J. (Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure, for grant of anticipatory bail to the petitioner in case FIR No.66 dated 24.09.2014, registered under Sections 406 of the Indian Penal Code, (for short, 'the IPC') at Police Station Nandgarh, Distt. Bathinda.

The learned counsel for the petitioner contends that the paddy in question was stored in the joint custody of the petitioner and the security agency, PESCO, therefore, the latter is also equally

responsible for the shortfall, if any. The petitioner had written to the complainant through District Manager on 22.04.2013, indicating his inability to mill the remaining paddy within the stipulated time and requested to shift the same to some other sheller for milling. Consequently, the paddy was shifted by Sukhdev Singh Walia, Inspector, PAFC, Bathinda.

On the other hand, the learned counsel for the respondents submits that the petitioner was entrusted paddy to the extent of 1,16,922 bags, for milling, out of which, 55026 bags were delivered back, whereas, 61,896 bags have been misappropriated. The total loss caused to the agency is to the tune of Rs.4,88,54,886/-, as on 01.02.2015.

Heard.

In the present case, shortage of 61,896 bags of paddy has been found/discovered during investigation, thereby causing loss of Rs.4,20,36,755/- to the respondent-Corporation. This Court feels that the custodial interrogation of the petitioner is required in the present case so as to recover the embezzled paddy. Therefore, no case for grant of relief sought is made out.

Dismissed.

16.02.2015
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(JITENDRA CHAUHAN)
JUDGE