

IN THE HIGH COURT OF PUNJAB AND HARYANA AT

CHANDIGARH

CRM-M-537-2015

Date of Decision: January 12, 2015

Sandeep Punia

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. R.S. Rai, Senior Advocate, with
Mr. Anurag Arora, Advocate,
for the petitioner.

Mr. Pawan Jhanda, AAG, Haryana,
for the respondent.

NARESH KUMAR SANGHI, J. (Oral)

Prayer in this petition, filed under Section 438, Cr.P.C.,
is for grant of anticipatory bail to the petitioner, Sandeep Punia,
son of Manphool Singh, District Manager, HAFED, Fatehabad, who
has been booked for having committed the offences punishable
under Sections 120-B, 409 and 420, IPC; Section 7 of the Essential
Commodities Act; and Section 13(1)(c) of the Prevention of

Corruption Act, in a case arising out of FIR No. 369, dated 10.12.2014, registered at Police Station, Bhattu Kalan, District Fatehabad.

Learned senior counsel contends that the Urea sold from 1.12.2014 to 10.12.2014, was under the orders of the senior officers of the department; there was no violation in the movement of the Urea from godown to the selling points; the prosecution is not in a position to narrate the provisions which have been violated by the petitioner; the petitioner has been named by his co-accused, which is not relevant for holding him guilty; and that the petitioner is ready to join the investigation.

On the other hand, learned counsel for the State on instructions from ASI Kishori Lal of Police Station, Bhattu Kalan, District Fatehabad, submits that during course of investigation it was found that on the instructions of the petitioner issued to Shamsheer Singh, Manager, CMS, Bhattu Kalan and Naveen Kumar, Field Inspector, 100 bags of Urea were taken out of the godown situate at CMS, Bhattu Kalan. Ram Saran @ Lovely, driver of vehicle TATA-407, bearing Registration No. HR-46-6967, was carrying the same in his vehicle when intercepted on the road. It was also revealed during investigation that 120 bags of Urea were also taken out from CMS, Bhattu Kalan, on 3.12.2014 for delivery to

the relatives of the petitioners. It was also pointed out by the learned counsel for the State that during investigation, mobile call details of the accused persons were obtained which clearly spell out that they were in touch with each other.

I have heard learned counsel for the parties and with their able assistance gone through the material available on record.

At present, there is acute shortage of fertilizer Urea in the State of Haryana. All the newspapers and electronic media reports are full of the mishandling of Urea in connivance with the officials. There is sufficient material on record to show that the petitioner, Sandeep Punia, being person in authority, ordered his subordinates to illegally carry out 220 bags from godowns, during two different periods in different vehicles for supplying the same to his relatives/friends. Not only the subordinates of the petitioner, but even the vehicle driver, who was intercepted with 100 bags of Urea, has named the petitioner and disclosed that under the directions issued by the petitioner, the aforementioned bags of Urea were taken out of the godown of CMS, Bhattu Kalan.

At this stage, learned senior counsel for the petitioner insisted that the Public Prosecutor/State counsel must show the provision violated by the petitioner.

Though the said argument has already been noted at the inception of this order, but to satisfy the conscience of this Court and part justice, this Court has once again appraised the facts and found that the petitioner being public servant in an illegal and arbitrary manner ordered for transportation of 220 bags of Urea from the godown which would clearly show that the FIR has rightly been registered for the offences for which the petitioner has been booked.

While adjudicating bail application, the Court has not only to see the difficulties or rights claimed by the applicant but it has to equally consider the cry of the society which is the worst sufferer of magnitude of the offence committed by the applicant.

Keeping in view the totality of the facts and circumstances of the case, no ground for grant of anticipatory bail to the petitioner is made out.

Dismissed.

January 12, 2015
Pkapoor

(NARESH KUMAR SANGHI)
JUDGE