

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

CRM-M-7619-2015

Date of decision: 15.5.2015

Manjit Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MRS.JUSTICE SNEH PRASHAR

Present: Mr.SPS Sidhu, Advocate for the petitioner

Mr.Ashish Sanghi, DAG, Punjab

SNEH PRASHAR, J.

The present petition under Section 438 of the Code of Criminal Procedure is for grant of anticipatory bail to the petitioner in case First Information Report No.149 dated 23.9.2014 registered under Section 406 of the Indian Penal Code at Police Station Passiana, District Patiala.

Mr.Tarun Singla, Advocate has appeared and filed his power of attorney on behalf of the complainant. Learned counsel for the petitioner has no objection, if the complainant is allowed to join the proceedings and is impleaded as respondent No.2. Ordered accordingly.

The instant First Information Report was registered on the complaint given by District Manager, Punjab State Civil Supplies Corporation Limited (PUNSUP). The allegation was that paddy was

allotted to the Mill of the petitioner namely M/s Ghuman Agro Foods Mehmoodpur, District Patiala. On verification, shortage of 4181.74 quintals of rice was deducted and the same had been misappropriated by the petitioner.

Heard the submissions made by Mr.SPS Sidhu, Advocate representing the petitioner; Mr.Ashish Sanghi, Deputy Advocate General, Punjab and Mr.Tarun Singla, Advocate appearing for the complainant.

It was submitted on behalf of the petitioner that she had performed major part of the contract for the year 2013-14 allotted to her. The remaining paddy was lying in the Mill and the verification was not conducted in a fair manner. He further submitted that the matter has already been referred to the Arbitrator by the complainant and in case anything found due against her, she is ready to make the payment of the same. With the said facts, learned counsel submitted that the petitioner be given the benefit of anticipatory bail.

The prayer has been opposed by learned counsel representing the State as well as by learned counsel appearing for the complainant. It was submitted that the value of 4181.74 quintals paddy, misappropriated by the petitioner, comes to Rs.1,07,81,529/- and the same is to be recovered from her.

Prima facie perusal of the First Information Report lodged on the basis of the complaint made by District Manager, Punjab State Civil Supplied Corporation Limited reveals that the firm i.e. M/s Ghuman Agro Foods Mehmoodpur, District Patiala of the petitioner was

allotted 5800.12 quintals of paddy for shelling but only 1618.38 quintals were returned to the Food Corporation of India. The remaining paddy i.e. 4181.74 quintals is worth Rs.1,07,81,529/- has been misappropriated. Apparently, the petitioner had caused great financial loss to the government exchequer. The Hon'ble Supreme Court in **State rep. By the CBI vs. Anil Sharma, reported in (1997) 7 Supreme Court Cases 187**

has held as under:-

“The custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order under Section 438 of Cr.P.C.”

In the present case, as argued by the learned State counsel, the custodial interrogation of the petitioner is necessary to enquire the mode and manner in which paddy of such huge quantity, has been misappropriated by her. Least any expression above may prejudice the case of either side, finding no ground for grant of anticipatory bail to the petitioner, her petition is dismissed.

15.5.2015
gsv

(SNEH PRASHAR)
JUDGE