

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-8907 of 2015 (O&M)
Date of Decision:23.7.2015

Jaswinder Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MS. JUSTICE NAVITA SINGH

Present: Mr. J.S. Bhandohal, Advocate for the petitioner.
Mr. B.S. Bhullar, AAG, Punjab for the respondent.

NAVITA SINGH, J.

1. The petitioner here seeks anticipatory bail in a case registered against him under Sections 406,420,468 and 471 IPC by way of FIR No.281 dated 4.11.2014 of Police Station Samana, District Patiala.
2. The allegations against the petitioner were that he had used forged and fabricated documents being the partner of M/s Pratham Agro Foods (hereinafter referred to as the Company), in connivance with the other partner Madan Mohan. He had misappropriated the price of paddy which amounted to Rs.86,70,172/- including VAT. Huge amount of paddy was given to the Company for milling by FCI but the entire rice was not delivered back.
3. Counsel for the petitioner submitted that the petitioner had no role to play in the matter as he was a partner to the extent of 25% in the Company, while Madan Mohan held the major share to the tune of 75%. The agreement regarding the milling of the paddy was entered into with PUNGRAIN by Madan Mohan. The petitioner had appointed said Madan Mohan as his attorney by executing a power of attorney in his favour for

managing the affairs of the Company. Everything relating to the mill was being managed and executed by the other partner who entered into the agreement without knowledge of the petitioner.

4. Nothing was mentioned in the petition regarding Madan Mohan being the major share holder or there being any power of attorney given by the petitioner to the said person. No such power of attorney was placed on record. The petitioner being a partner was, therefore, equally liable.

5. State counsel submitted that there was another case under Section 420 IPC registered against the petitioner regarding similar offence. Counsel for the petitioner affirmed the fact but submitted that in the other case the petitioner is the main accused and he was responsible for the action alleged therein but in the present case he had no role to play as the only person involved was Madan Mohan.

6. As already discussed above, the petitioner had no valid defence to offer at this stage regarding any false implication and thus, he being the partner in the Company would be responsible.

7. The request for anticipatory bail is declined and the petition is dismissed.

(NAVITA SINGH)
JUDGE

23.7.2015
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