

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

**CRM No.M-9381 of 2015
Date of decision:23.04.2015**

Jaswinder Singh

.....Petitioner(s)

Versus

State of Punjab

.....Respondent(s)

CORAM:- HON'BLE MR.JUSTICE DARSHAN SINGH

* * *

Present: Mr. J.S. Bhandohal, Advocate for the petitioner(s).

Mr. Jashanpreet Singh, AAG, Punjab.

DARSHAN SINGH, J.

This petition has been filed by accused petitioner- Jaswinder Singh under Section 438 of the Code of Criminal Procedure, 1973 (hereinafter called 'the Cr.P.C.') for grant of anticipatory bail in case FIR No.304 dated 09.12.2014 under Section 406 of the Indian Penal Code, 1860, registered at Police Station Samana, District Patiala.

As per the prosecution allegations, the petitioner was allotted the work of milling paddy by the Food Supplies Department, Punjab, for the year 2011-2012 as per the terms and conditions of the agreement executed with Punjab State Civil Supplies Corporation Limited (PUNSUP). Out of the paddy entrusted to the petitioner, the paddy to the extent of 2035.60 quintals has been misappropriated by him. Thus, on the basis of a letter issued by the District Manager, PUNSUP, Patiala, the present case has been registered. His application for grant of anticipatory bail has been dismissed by the

learned Additional Sessions Judge, Patiala and hence, this petition before this Court.

Learned counsel for the petitioner contended that there was an agreement between the parties for referring the dispute to the Arbitration. So, the dispute between the parties is of the civil nature and remedy of arbitration is available to the complainant. He further contended that in fact there is no misappropriation of the paddy rather the damage was caused to the rice which resulted in shortage which is evident from para No.7 of the legal notice issued by the complainant. So, no criminal offence has been committed by the petitioner, hence, he deserves the concession of anticipatory bail.

On the other hand, learned State counsel contended that the misappropriation of the paddy entrusted to the accused is a criminal offence. Huge loss of 2035.60 quintals of paddy has been caused to the Government by the petitioner. The recovery of the paddy is to be effected. So, he does not deserves the concession of anticipatory bail.

I have duly considered the aforesaid contentions.

It is settled principal of law that anticipatory bail is an extraordinary privilege which can only be granted in exceptional cases. The civil as well as the criminal consequences can simultaneously follow from a transaction. It is also settled principle of law that if there is criminality in any transaction, the civil as well as the criminal proceedings can go side by side. In the instant case,

this fact is not disputed that the paddy was entrusted to the petitioner for milling. On physical verification, it was found that 8987 bags weighing 3145.45 quintals has been misappropriated by the accused miller and 2035.60 quintals of rice on that account has not been delivered to the Food Corporation of India in the account of the complainant-Corporation. In this manner, the accused has caused the loss to the tune of Rs.49,01,786/- to the Government. Thus, there are serious allegations against the present petitioner for causing a huge loss of Rs.49,01,786/- to the Government by misappropriating the paddy entrusted to him. So, he does not deserves the concession of anticipatory bail.

Keeping in view my aforesaid discussion, the present petition has no merits and the same is hereby dismissed.

April 23, 2015
ps

(DARSHAN SINGH)
JUDGE