

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-17011 of 2016

Date of Decision: August 31, 2016

Kulwant Kaur

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. SPS Sidhu, Advocate
for the petitioner.

Mr. C.S. Brar, DAG, Punjab.

Mr. Athar Ahmed, Advocate
for respondent No.2.

FATEH DEEP SINGH, J.

The petitioner-Kulwant Kaur in this petition under Section 438 Cr.P.C has sought anticipatory bail in respect of case got registered by way of an FIR No.46 dated 20.06.2015 registered under Sections 406,420 IPC Police Station Ghagga, District Patiala.

The precise allegations are that the petitioner District Manager, PUNSUP, Patiala made a complaint to the Police that in the year 2010-2011 PUNSUP had handed over to the firm M/s Nanhera Rice Mill paddy for custom milling and that the accused happens to be one of the functionaries running the affairs of the accused-firm failed to deliver the rice, whereby, the 40,250 bags of rice weighing 15,000 quintal were

delivered short thus, causing total loss of Rs.4.25 crores out of which monetary value of goods worth Rs.54.5 lacs have been recovered and Rs.3.66 crores are still outstanding.

Learned counsel for the petitioner has tried to rely on the bonafide of the petitioner that she has made part payment and that arbitral award has already been passed and, thus, there cannot be recourse to criminal prosecution. The submissions are opposed by the learned State counsel on the grounds that there has been huge embezzlement of paddy by the petitioner, thus, entitles her to any relief much less under Section 438 Cr.P.C.

Appreciating the submissions the own stand of the petitioner side admitting the ownership of the accused-mill, supply of paddy and shortage of custom milled rice are matters which have strong bearing on the mind of the Court how the public money has sought to be usurped. The mere fact that there is an arbitral ward against the petitioner is no ground to keep away criminal prosecution and both can run parallel to each other. There is clear case of custodial interrogation of the petitioner for recovery of remaining custom milled rice. Thus, no case to grant anticipatory bail to the petitioner is made out.

Dismissed.

(FATEH DEEP SINGH)
JUDGE

August 31, 2016
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No