

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.277 of 2016

Date of Decision:-20.01.2016

Ram Niwas.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. Rajinder Goyal, Advocate for the Petitioner.

Mr. Kuldip Tiwari, Additional Advocate General, Haryana
assisted by DSP, Pehowa Chander Pal.

JASWANT SINGH, J (ORAL)

Prayer is under Section 438 Cr.PC for grant of anticipatory bail to the petitioner Ram Niwas in case FIR No.0156 dated 10.11.2015 for offences punishable under Sections 409, 420, 120-B of Indian Penal Code registered with Police Station Ismailabad, District Kurukshetra.

Petitioner was posted as Inspector in charge of godown at Ismailabad for storing wheat bags. The allegation against him is of misappropriation of 1,77,734 bags from the said godown for the period 2014-15 and 2015-16.

It is submitted that a physical verification team of the department had conducted a verification in June 2015 and there was no

short fall found, however, during a re-inspection in August 2015 the shortfall of the aforesaid number of bags was found.

It is contended that out of three sites of godown two are in open area and for guarding the stock services of Security Agency were obtained. The Security Agency or its employees have not been arraigned as accused while departmental officials have been singled out.

Learned State Counsel assisted by Chander Pal, DSP Pehowa points out that there is a embezzlement of almost Rs.1,82,000/- bags of Wheat worth 18 crores. It cannot be disputed that being incharge for the safe custody of the bags petitioner is liable to account for them. He further submits that during the investigation whosoever is found involved will not be spared, be it the agency of security. However, the custody of the petitioner is required for having a meaningful and effective investigation. He further points out that subsequently the provision of Prevention of Corruption Act have also been incorporated.

In view of the aforesaid stand of the state, no case for grant of anticipatory bail to the petitioner Ram Niwas is made out.

Dismissed.

(JASWANT SINGH)
JUDGE

January 20, 2016
Vinay