

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

CRM-M-31872 of 2016

Date of Decision: October 17, 2016

Rakesh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. R.K. Hooda, Advocate
for the petitioner.

Mr. Deepak Sabherwal, Addl.A.G, Haryana.

FATEH DEEP SINGH, J.

The allegations against the petitioner Rakesh in this anticipatory bail application under Section 438 Cr.P.C. are that he along with his co-accused/non-applicant Vinod Kumar were running business of milling of paddy under the name and style M/s Sharma Agro Food and received paddy for custom milling and were supposed to return the milled rice weighing about 9920.87 quintals which was then priced around Rs.2,83,63,000/- approximately which they failed to do.

The contentions of the learned counsel for the petitioner that the petitioner at the relevant time had ceased to be the partner of the concerned firm and has placed reliance on notice for dissolution Annexure P/1 and representation to various functionaries for withdrawal of his name as partner arguing that partnership had remained in operation only from

02.7.2015 to 13.9.2015 and further placed reliance on Annexure P/4.

The bail application is stoutly opposed on the grounds that the petitioner at the relevant time when the paddy was handed over was active partner of the firm in question and, thus, after having received the paddy was responsible for the return of the custom milled rice and that his custodial interrogation is very much essential.

The prima facie allegations reflect that it was in October, 2015 the firm had received paddy for custom milling and it is not disputed that at that point of time the petitioner happens to be one of the active partner of the firm and his alleged document of renunciation of partnership is of subsequent period dated 07.12.2015 to 17.12.2015 and, thus, he cannot wriggle out of the trust reposed by the department in the firm of which he was an active performing partner.

Thus, in the light of the seriousness of the allegations whereby, milled rice worth Rs.3 crore have been usurped impels this Court to hold that custodial interrogation of the petitioner is very much essential and no ground to grant anticipatory bail to the petitioner is made out.

Dismissed.

(FATEH DEEP SINGH)
JUDGE

October 17, 2016
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No