

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

Date of Decision: 26.10.2016.

CRM-M No.36764 of 2016 (O&M)

Gobind Prasad

....Petitioner.

VERSUS

State of Haryana

....Respondent.

AND

CRM-M No.36869 of 2016.

Yad Ram

....Petitioner.

VERSUS

State of Haryana

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Aditya Sanghi, Advocate
for the petitioner (in CRM-M-36764-2016).

Mr. Rahul Vats, Advocate
for the petitioner (in CRM-M-36869-2016).

Mr. Karan Sharma, Assistant Advocate General, Haryana.

SNEH PRASHAR, J.

CRM-33845-2016 in
CRM-M-36764-2016

Allowed, as prayed for.

CRM-M-36764-2016 and
CRM-M-36869-2016

The petitioners are wanted in case First Information Report

Commodities Act and Section 420 of the Indian Penal Code registered at Police Station City Narnaul, District Mahendergarh. Apprehending their arrest, they have moved the above captioned two petitions for being given the benefit of anticipatory bail.

The allegation against the petitioners is that they are depot holders and the wheat bags i.e. 360 bags loaded in canter No.HR-66-6066, 505 bags loaded in truck No.HR-63A-8883 and 303 bags loaded in container No.HR-47-6489 were sent from Kanina Warehouse, which were allotted to the petitioners and were meant for being disbursed to poor people. However, the canter got unloaded by the petitioners at the floor mill of Shyam Food Industries, of which one Sachin, resident of Narnaul, is the owner. The wheat bags loaded in the truck and the container were also sold to Shyam Food Industries. The instant case was registered on the complaint of Satbir Singh, Inspector, Food and Supply, Narnaul, who had reached the spot on information from the police and had witnessed unloading of the canter at Shyam Food Industries. The drivers of the canter/truck/container had managed to run away.

The submissions made by Mr. Aditya Sanghi, learned counsel representing petitioner-Gobind Prasad, Mr. Rahul Vats, learned counsel representing petition-Yad Ram and Mr. Karan Sharma, learned Assistant Advocate General, Haryana have been heard.

Learned counsel for petitioner Gobind Prasad argued that in compliance of order of Deputy Commissioner, Mahendergarh, an enquiry into the matter was conducted by Sub Divisional Officer, Narnaul. In his report (Annexure-P3), the Sub Divisional Officer mentioned that during

the name of Yad Ram and Gobind Prasad, depot holders in canter No.HR-66-6066 duly entered in the stock register and also found the goods lying in the godown. The receipts of 303 bags prepared in the name of Jai Singh, Balbir Singh and Rajesh Kumar, depot holders were available and the goods were found to be there in container No.HR-47-6489. Similarly, truck No.HR-63A-8883 also had the goods loaded in it and receipts prepared in the name of Jagdish, Ashok Kumar and Karan Singh, depot holders were available. Learned counsel further contended that he has produced on file Annexure-P4, copy of receipts and daily stock register vide CRM No.33845 of 2016, according to which also the wheat stocks sent to petitioner Gobind Prasad had reached his godown.

Similarly, learned counsel for petitioner Yad Ram submitted that the petitioner has never been involved in misappropriation of the subsidized wheat or any other commodity allotted to him for distribution to the people and he has been falsely implicated in the instant case.

Learned State counsel vehemently opposing the petitions submitted that the Deputy Commissioner, Mahendergarh, finding the spot inspection report submitted by Sub Divisional Magistrate, Narnaul as suspicious, has again referred the matter for fresh enquiry. He placed on record copy of the memo written by the Deputy Commissioner Mahendergarh to Sub Divisional Magistrate, Narnaul.

The memo of the Deputy Commissioner by itself is sufficient to show that an effort is being made by the petitioners in connivance with some officials to tamper with the facts and the evidence collected against them. It may also be mentioned here that photocopy of the receipt, daily

by him with the instant petition filed by him on 10.10.2016. In any case, the allegation is that the wheat bags sent from Warehouse Kanina by means of a truck, container and a canter to the petitioners-depot holders were illegally sold by the petitioners to Shyam Food Industries and the said goods were unloaded at the premises of the said industry. The unloading of the canter was witnessed by Inspector, Food and Supply and the police officials.

The allegations call for effective investigation into the matter for which custodial interrogation of the petitioners will certainly be necessary.

Finding no ground for giving benefit of anticipatory bail to the petitioners, both the petitions are dismissed.

(SNEH PRASHAR)
JUDGE

26.10.2016
jitender

Whether speaking/ reasoned : Yes

Whether Reportable : No