

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

CRM-M No.37209 of 2015 (O&M)

Date of Decision: 29.02.2016

Sant Kumar Bansal

..... Petitioner

Vs.

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. Bipan Ghai, Senior Advocate assisted by
Mr. Deep Karan Dalal, Advocate for the petitioner.

Mr. Satish Saini, Deputy Advocate General, Haryana
for the respondent/State assisted by S.I. Karan Singh.

JASWANT SINGH, J. (Oral)

Prayer in this petition, filed under Section 438 Cr.P.C., is for grant of anticipatory bail to the petitioner-Sant Kumar Bansal, who has been booked for having committed the offences punishable under Sections 420, 406, 467, 468, 471, 120-B of the Indian Penal Code and Sections 7, 10 and 55 of the Essential Commodities Act, in a case arising out of FIR No.538 dated 27.08.2015, registered at Police Station Sadar Palwal, District Palwal.

The allegation of the prosecution is that a truck loaded with government wheat from the FCI Godown being driven by accused Abdul Kayum was intercepted. It was found that the government wheat meant for distribution under the PDS System by two depot holders was being transported to be sold in the open market.

The role of the petitioner is that it was his truck, which was intercepted and he being a Commission Agent, his services were being utilized for illegal sale of the wheat in the open market.

Admittedly, the main co-accused Parveen is an approved Transporter-cum-Contractor of the Food and Supplies Department granted the contract (**Annexure P-2**) for transportation of such wheat for the year 2015-2016.

It is also not in dispute that the wheat were required to be transported from the FCI Godowns to two different Depot Holders, namely, Ramesh and

Dragas, situated at two different villages within Palwal District and the interception of the truck was within the local limits of the said depot-holders.

In the background of aforesaid facts, it is contended that the petitioner is only the owner of the truck, who had leased out his truck to the Transport Company being run by Parveen and as such, has nothing to do with the FCI or loading of the wheat or its transportation and projected sale. It is thus contended that the name of the petitioner has been falsely roped in being a conspirator involved in the sale of such wheat, merely because he is the owner of the truck and on the disclosure statement of the driver that the agency of the petitioner/accused is involved in such sale, which is inadmissible in evidence qua the petitioner/accused. Lastly, it is submitted that the petitioner has already joined the investigation and nothing more is to be recovered from him.

It is also submitted that the main co-accused Parveen has since been arrested and regular bail has been granted to identically placed co-accused Phool Singh by this Court, vide order dated 13.10.2015.

Learned State Counsel, assisted by S.I. Karan Singh, states that the petitioner along with his named accused and the officials of the FCI are in criminal conspiracy involved in selling of PDS wheat on higher rates in the open market and the petitioner being a Commission Agent and Transporter is actively involved. He, however, does not refute the bail granted to co-accused Phool Singh and the fact that co-accused Parveen stands arrested.

Without commenting on the merits of the case, keeping in view the fact that the role of the petitioner is alleged to be a conspirator and he has already joined the investigation and nothing more is to be recovered from him, interim protection/pre-arrest bail granted by this Court, vide order dated 05.01.2016, is made absolute.

Disposed of.

February 29, 2016

Gagan

**(JASWANT SINGH)
JUDGE**