

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

(112)

CRM-M-42534-2015

Decided on: February 18, 2016.

Sushil Singal

.... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Dr. Anmol Rattan Sidhu, Sr. Advocate, with
Mr. Pratham Sethi, Advocate, for the petitioner.

Mr. C.S. Bakhshi, Addl. A.G., Haryana.

Mr. Sumit Jain, Advocate, for the complainant.

M.M.S. BEDI, J (ORAL)

The petitioner is proprietor of M/s Guru Nanak Rice Mill. He is alleged to have made an addition in a receipt produced by the MARKFED during course of investigation after the challan having been presented. Petitioner is a complainant against the officials of FCI in criminal cases pending for trial.

I have heard learned counsel for the petitioner as well as learned State counsel and gone through the police file.

Receipt dated 05.12.2009 is signed by the petitioner to indicate that M/s Guru Nanak Rice Mill had received from Branch Manager, MARKFED, Lambi 194880 bags weighing 68208 quintals of paddy Grade A crop year 2009-10 for milling and that the quantity and quality was accepted by the petitioner as 'A' class gunnies. The above said original

receipt formed part of the challan of a case of misappropriation against the petitioner. The petitioner is alleged to have added the following words below the receipt "PAU-201 variety of paddy" in connivance with others.

Since neither any official of the CBI nor any official of the Court has been arrayed as accused for the said preparation of wrong document, it will be debatable as to at which stage the petitioner had committed the offence of preparation of a wrong document by tampering with the record. In order to determine as to what wrongful loss has been caused on account of the above said interpolation, it has been informed by counsel for both the parties as well as learned counsel for the complainant that PAU-201 variety of paddy was a lower quality paddy for which a concession of Rs.100/- per quintal was to be given to the persons responsible for the purpose of shelling. The benefit could have been derived in the arbitration proceedings launched by the MARKFED.

In the present case, the petitioner, on the basis of above said fabricated receipt, made an attempt to take advantage in arbitration proceedings. The said advantage has not been granted to the petitioner meaning thereby that till date no wrongful loss has been caused on the basis of receipt which at present forms part of the trial Court record as Ex.PW6/3. In proceedings under Section 34 of the Arbitration and Conciliation Act also, the appellate Court has not granted any benefit of the above said alteration made by the petitioner. Challan has been filed against the petitioner.

Though the allegations of fabrication of a document which forms part of the Court/Police record is a serious one but taking into

consideration the period of detention suffered by the petitioner from 17.11.2015, he can be granted the concession of bail as chances of tampering with the evidence are remote and no useful purpose will be served by keeping the petitioner in custody during the entire period of trial which may take a long time.

Petition is allowed. Petitioner is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of the trial Court subject to the conditions that he will not leave India without the permission of the Court and will not be entitled to claim any economic benefit in any other proceedings on the basis of forged documents.

(M.M.S. BEDI)
JUDGE

February 18, 2016
harsha