

(1)

CRM-M-43271-2015

Date of Decision : 16.12.2016

Ravinder Dahiya

.....Petitioner

versus

State of Haryana

....Respondent

(2)

CRM-M-43326-2015

Date of Decision : 16.12.2016

Anil Kumar Chauhan

.....Petitioner

versus

State of Haryana

....Respondent

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

Present: Mr. Bipan Ghai, Senior Advocate with
Mr. B.S. Kathuria, Advocate
for the petitioner in CRM-M-43271-2015.

Mr. J.S. Mehndiratta, Advocate
for the petitioner in CRM-M-43326-2015.

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

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

This order will dispose of two petitions, one filed by Ravinder Dahiya, Technical Officer (Storage), HAFED (CRM-M-43271-2015) and other by Anil Kumar Chauhan, District Manager, HAFED (CRM-M-43326-2015) for grant of pre arrest bail in a case FIR No. 179 dated 06.11.2015 registered under Sections 379, 409, 420, 467, 468, 120-B IPC and Sections 7 and 13 of the Prevention of Corruption Act registered at Police Station Sadar Ambala, District Ambala at the instance of R.P. Sahni, General Manager, HAFED, Panchkula alleging that the petitioners along with other co-accused connived and committed

misappropriation of the wheat bags from the stores of HAFED, after forging and fabricating Government records, causing loss to the HAFED to the tune of around Rs. 77 lac.

With the assistance of learned State counsel, I have gone through the police record which reflects that the petitioners have been involved in the case, on the basis of the disclosure statement made by Gurdeep Singh, Store Keeper to the effect that in connivance with the petitioners and others, the stocks were sold in the open market and the money was distributed amongst all the accused.

Learned counsel for the petitioners has submitted that as a matter of fact, Anil Kumar Chauhan had made a report against Gurdeep Singh being responsible for the misappropriation of the wheat bags in the stocks but later on, on the basis of the statement, made by Gurdeep Singh that the petitioners and other accused persons connived with each other and committed theft, the petitioners were also involved in the case.

Pursuant to the interim orders, petitioners have joined investigation. The complicity of the petitioners being based on the basis of statement of co-accused Gurdeep Singh, it will certainly be a debatable issue, during the course of trial, whether the petitioners are exclusively responsible for the alleged misappropriation. The petitioners having joined investigation, it does not appear to be a case where custodial interrogation may lead to any fruitful result. It has been told that the petitioners are still the employees of HAFED but under suspension. Chances of tampering with the evidence are remote.

Both petitions are allowed. It is ordered that in case of arrest of petitioners, they shall be released on bail to the satisfaction of the arresting officer subject to the following conditions:

- i) Petitioners will not leave India without the permission of the Court.
- ii) Petitioners will not tamper with the evidence or hamper the proceedings in any manner.
- iii) They will not, directly or indirectly, induce, threaten or pressurize any person, acquainted with the facts of the case or in possession of any record.

In case of violation of any of the conditions, it will be open to the prosecution agency to seek cancellation of bail.

(M.M.S. BEDI)
JUDGE

16.12.2016
Neha

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No