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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ BAIL APPLN. 703/2016

JASWANT SINGH

..... Petitioner

Through: Mr. Parinav Gupta, Advocate with Ms. Mansi Gupta, Advocate

versus

STATE GOVT OF NCT

..... Respondent

Through: Ms. Radhika Kolluru, APP for the State.

CORAM:
HON'BLE MR. JUSTICE VIPIN SANGHI

O R D E R

% **28.07.2016**

The applicant has preferred the present Bail Application under Section 438 Cr.P.C. to seek anticipatory bail apprehending arrest in case FIR No. 65/2016 registered at police station Bhalswa Dairy, Delhi, under Sections 7 and 10 of the Essential Commodities Act.

The applicant is the proprietor of M/s Jawant Singh, Fair Price Shop No. 7401, functioning at Circle 02, Village Mukundpur Burari, Delhi, and is holding the license since 1987. The allegation against the applicant is that on 19.12.2015, when his shop was raided and actual stock verification was done, it was found that the applicant had no stock of wheat and rice. His records i.e. sale register, cash memos and stock register etc. were seized.

According to the prosecution, he appeared to have diverted the stocks of wheat and rice rather than distributing the same to the card holders. It is alleged that over 18.36 quintals of wheat and 4.43 quintals of rice have been diverted by the applicant. The custodial interrogation is required to identify the persons to whom the said stocks had been diverted.

Learned counsel for the applicant submits that even on a bare perusal of the FIR, it would be seen that the prosecution has registered the FIR by taking into account the stock position as on 13.12.2015. He submits that he has obtained copies of his seized records which show that on 15.12.2015, the applicant had made sale of, inter alia, rice and wheat. According to the applicant, the sale of wheat on 15.12.2015 was to the tune of 18.20 quintals and that of rice was to the tune of 4 quintals. Learned counsel submits that these sales have not been taken into account. The only deficiency on the part of the applicant was that the stock register had not been updated so far as it relates to sales which had been effected on 15.12.2015.

Learned APP points out that even that constitutes an offence, though, a bailable offence. Learned APP has not been able to dispute the position that the sales of 15.12.2015 had not been accounted for while arriving at the figures regarding the alleged diversion of wheat and rice. Moreover, the respondent has also seized all the documents and records.

Counsel for the petitioner has submitted that the petitioner has already joined the investigation and he states that the petitioner shall continue to co-operate with the investigation in future as well.

In these circumstances, I am inclined to grant anticipatory bail to the applicant. Accordingly, in the event of his arrest, he shall be released on bail with one surety in the like amount of Rs. 10,000/- to the satisfaction of the arresting officer. This is subject to the condition that he shall join the investigation as and when called for and he shall not try to contact any of the prosecution witnesses or tamper with any record.

The Bail Application stands disposed of.

Dasti.

VIPIN SANGHI, J

JULY 28, 2016
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