

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 101

CRM-M-10321-2017

Decided on : 27.03.2017

Jan Mohd.

..... Petitioner(s)

VERSUS

State of Haryana

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Mohammad Arshad, Advocate, for the petitioner(s).

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr. P. C., the petitioner seeks the concession of anticipatory bail in FIR No. 136, dated 11.02.2017, registered under Section 406 IPC and Sections 7, 10 and 55 of the Essential Commodities Act, at Police Station Sadar Palwal, District Palwal.

The case of the prosecution is that on the complaint of the villagers the ration depot of the petitioner was checked where no wheat was found and when he was asked to provide the record with regard to the receipt and disbursement of wheat from May, 2016 to October, 2016, in spite of repeated requests, such record was withheld. On the other hand, the complaint-villagers produced their ration cards on the analysis of which it was found that the petitioner had misappropriated about 18 quintals 90 kgs of wheat which was supposed to be distributed to ration card holders.

Seeking anticipatory bail for the petitioner, learned counsel submits that there is a delay in lodging of the FIR; that the petitioner is ready to join investigation and that the present case has been lodged against him as a counter-blast.

The petitioner is a depot holder who is required to distribute wheat to ration card holders on subsidized price. Investigations done till date have shown that he has misappropriated 18 quintals 90 kgs of wheat. He has also not cooperated with the investigating agency as even after repeated requests, he has withheld relevant record from the authorities. The plea that the present case has been lodged against the petitioner as a counter-blast, is absolutely vague as no motive is shown to falsely implicate the petitioner

Whether the petitioner has indulged in misappropriation of wheat to be distributed amongst ration card holders by selling the same in black/open market for the period beyond what is being investigated, is required to be probed. The record which has been withheld by the petitioner also needs to be recovered.

In view of the above, I am of the opinion, that the present case is not a fit one for the grant of anticipatory bail.

Dismissed.

Nothing observed herein-above shall be considered to be an expression of opinion by this Court on the merits of the case.

27.03.2017
shamsher

[DEEPAK SIBAL]
JUDGE

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