

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

CRM No.M-12060 of 2016 (O&M)

Date of Decision: 27.02.2017

Rita

... Petitioner

Versus

State of Punjab & another

... Respondents

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Dinesh Nagar, Advocate for the petitioner.

Mr. P.S. Grewal, DAG, Punjab.

Mr. Sumit Jain, Advocate for the complainant.

....

TEJINDER SINGH DHINDSA.J.

The instant petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.16, dated 08.03.2016, under Sections 406/420/506 IPC, registered at Police Station Rawalpindi, District Kapurthala.

Petitioner is one of the partners in M/s Dashmesh Rice Mill. FIR has been registered in pursuance to a complaint having been lodged by the Punjab State Warehousing Corporation on the allegations that the paddy had been entrusted to M/s Dashmesh Rice Mill for custom milling in pursuance to an agreement dated 13.10.2015 entered into but the custom milled rice that was supplied back to the Corporation, there has been a shortfall of 31,889 bags. The monetary value of such shortage translates into Rs.4.50 crores approximately. Allegations as such in a nutshell are with regard to misappropriation at the instance of M/s Dashmesh Rice Mill and of which the present petitioner is concededly a partner.

The instant petition had come up for preliminary hearing before this Court on 07.04.2016 and at that stage counsel for the petitioner had argued

that the consignment of custom milled rice in pursuance to the agreement was to be supplied upto 31.03.2016 whereas the FIR has been registered on the basis of checking conducted prior in point of time. On 07.04.2016, a categoric submission was raised before this Court that after 29.02.2016, the entire outstanding consignment stands delivered to the complainant/Corporation.

On the strength of such categoric contention, this Court had stayed the arrest of the petitioner.

During the course of arguments today, learned State counsel as also Mr. Sumit Jain, counsel appearing for the Corporation has apprised the Court that it was an incorrect statement got recorded by counsel appearing for the petitioner and the outstanding consignment of custom milled rice was not delivered.

Mr. Dinesh Nagar, Advocate appearing for the petitioner would concede that the statement made before this Court on 07.04.2016 was factually incorrect but in the same breath would submit that he had made such submission on the strength of instructions conveyed to him by the petitioner.

The facts and circumstances noticed herein above clearly make out that an attempt was made by the petitioner herein to mislead and hoodwink this Court and thereby on the basis of a false statement having secured interim protection.

Conduct of the petitioner deserves strong deprecation. Petitioner is dis-entitled to the concession of pre-arrest bail.

Petition is dismissed.

27.02.2017

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes |
| ii) | Whether reportable? | Yes |