

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

CRM-M-22045 of 2015 (O&M)

Date of decision: 27.03.2017

Navneet Ram

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Harish Nain, Advocate for the petitioner(s).

Mr. Saurabh Mohunta, DAG, Haryana.

Jitendra Chauhan, J. (Oral)

By filing the present petition, under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No. 598 dated 05.11.2014, registered under Section 409 read with Section 34 of IPC, at Police Station Hodal, District Palwal.

It is contended that physical verification of the stock was carried out in the absence of the petitioner. The shortfall, if any, is not attributed to the petitioner. The petitioner being the Inspector had already informed the authorities, vide Annexure A5 in respect of ill effects of pests, pilferage etc., and the authorities by virtue of Annexure A1 dated 25.04.2013, had admitted the precarious condition prevailing on the site. He further submits that in pursuance of order dated 10.07.2015, the petitioner has joined the investigation.

On the other hand, the learned State counsel submits that though the petitioner has joined investigation, however, he is the main accused and responsible for the huge shortfall of stocks.

Heard.

The petitioner being the Inspector, Food and Supply Department, was posted as In-charge of procurement of wheat at Hodal at the relevant time. As per record, around 39536 bags of wheat were found to be short during the physical verification. As per counter affidavit, filed by District Food & Supply Controller, Palwal dated 10.02.2016, the petitioner was under obligation to shield the food grains from moisture/rain and other natural calamities but he failed to do so and after physical verification, it was found that there is a shortage of 1977 MT wheat which was under the care and charge of the petitioner. Perusal of the record further reveals that after the receipt of report prepared by Sh. Bharat Bhushan, AFSO, Palwal, whereby, vide letter dated 16.05.2014 he had intimated to District Food & Supplies Controller, Palwal that wheat stocks at Hodal Centre were lying scattered and that the petitioner despite repeated directions, did not make the stocks in countable form due to which the physical verification could not be conducted and the said fact was also brought to the notice of higher authorities through PR-38 reports. Thereafter, the District Food & Supplies Controller, Palwal had constituted a team for physical verification of the stock under the Chairmanship of Sh.

Munshi Ram, AFSO wherein it was specifically noticed that the petitioner being the main custodian was directly responsible for maintenance of wheat stock and under his charge a shortage of 58007 wheat bags had been recorded. In view of the huge shortage of wheat stock under the custody of the petitioner, no case for grant of pre-arrest bail is made out at this stage.

Dismissed.

Anything said herein above shall not be construed as an expression of opinion on the merits of the case.

27.03.2017

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(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No