

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

CRM-M-22440 of 2017 (O&M)
Decided on:-14.09.2017.

Jatinder Kumar.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: *HON'BLE MR. JUSTICE HARI PAL VERMA.*

Present:- Mr. Rakesh Chopra, Advocate
for the petitioner.

Mr. A.S. Dhaliwal, DAG, Punjab.

HARI PAL VERMA, J.

CRM-26202-2017

This is an application for placing on record complaint/application dated 11.07.2017 along with documents as Annexure P-4 (colly) as well as complaints/applications dated 11.07.2017 as Annexures P-5 and P-6 and registered postal receipt (colly) as Annexure P-7.

For the reasons stated in the application, the same is allowed and the aforementioned documents are taken on record subject to all just exceptions.

CRM-28362-2017

Prayer in this application filed under Section 482 Cr.PC is for placing on record report dated 12.07.2017 along with photographs of disputed

and standard signatures consisting of 4 pages (colly) (total 10 pages) as Annexure P-8.

For the reasons stated in the application, the same is allowed and the aforementioned documents are taken on record subject to all just exceptions.

CRM-28996-2017

By way of this application filed under Section 482 Cr.PC, prayer for placing on record information under R.T.I. dated 08.09.2017 as Annexure P-8/A has been made.

The document Annexure P-8/A is taken on record subject to all just exceptions.

The application is, accordingly, allowed.

CRM-M-22440-2017

The petitioner has filed present petition under Section 438 Cr.P.C. for grant of anticipatory bail in case bearing FIR No.89 dated 21.04.2017 under Section 7 of the Essential Commodities Act, 1955 registered at Police Station City Rajpura, District Patiala.

The aforesaid FIR was registered on the application of AFSO, Rajpura against the petitioner as well as co-accused Anil Kumar. As per the FIR, co-accused Anil Kumar, depot holder of village Neelpur (with which villages Islampur and Khraajpur are attached since June, 2016) and petitioner Jatinder Kumar, depot holder of village Neelpur (with which villages Islampur and Khraajpur are attached since July, 2016 to the month of March, 2017) were asked many times in writing as well as orally to bring register of

the stock of kerosene and sale register of the above villages. But they are not producing the relevant records in the office despite repeated directions. Certain consumers of villages Khraajpur and Islampur have made a complaint that accused has not been supplying the quota of kerosene regularly for long time, whereas the Government has been supplying quota of kerosene upto December, 2016 regularly.

Learned counsel for the petitioner has contended that the allegations against the petitioner are false and based on political consideration after the change of Government in the State of Punjab. The petitioner has supported the other political party. He is a real nephew of the co-accused Anil Kumar, who was earlier Sarpanch of village Neelpur. Said Anil Kumar was supporting the candidates of other political party in the recently concluded assembly elections. The petitioner was on leave since 20.08.2015 and has never operated any depot since then. Thus, he had not run the depot for the period for which the allegations have been levelled against him.

He has further argued that the petitioner has obtained an R.T.I. information, wherein villages Khraajpur and Islampur were attached with the petitioner, who was depot holder of village Neelpur vide order dated 24.08.2016 passed by District Controller Food Civil Supply and Consumer Affairs, Patiala. Therefore, for the months of July, 2016 and August, 2016, the petitioner was not the depot holder of newly added villages Khraajpur and Islampur. The information obtained through R.T.I. (Annexure P-8/A) dated 08.09.2017 further depicts that no kerosene quota has been lifted by the petitioner after the month of August, 2016.

The petitioner has relied upon the report of handwriting expert to show that the disputed signatures are the product of forgery by impersonation and do not match with the standard signatures of the petitioner. He has also relied upon the photocopies of bill No.963 dated 25.07.2016 and bill No.986 dated 19.08.2016 issued by Bhagwan Service Station (IBP) in support of his case.

On the other hand, learned State counsel has argued that the petitioner has not produced the record w.e.f. 21.07.2016 till date and he has joined on 19.07.2016 and lifted stock on 25.07.2016 and 19.08.2016. The misappropriation of kerosene stock was detected on 11.07.2017, but the petitioner is not producing the relevant record. Even the bills i.e. bill No.963 dated 25.07.2016 and bill No.986 dated 19.08.2016 issued by Bhagwan Service Station (IBP) are not original, rather, photocopies and are not reliable evidence in the absence of original bills.

I have heard learned counsel for the parties.

The allegations against the petitioner are that he being a depot holder, had lifted the stock of kerosene in the months of July, 2016 and August, 2016. The said stock was to be distributed through public distribution shop and the petitioner was required to produce the record to the authorities to substantiate his plea that he has reasonably distributed the stock to the ration card holders. In order to show his bonafides, the petitioner has produced on record the photocopies of bill No.963 dated 25.07.2016 and bill No.986 dated 19.08.2016 issued by Bhagwan Service Station (IBP). In support of genuineness of these photocopies, it was incumbent upon the petitioner to

produce the original bills, but he has not done so for the reason best known to him. Even the register, which a depot holder is required to maintain showing distribution of kerosene to ration card holders has not been produced. Therefore, adverse inference is liable to be taken against him.

Therefore, considering the seriousness of the allegations levelled against the petitioner, this Court finds that no case for grant of anticipatory bail to the petitioner is made out.

Accordingly, the present petition for anticipatory bail, being devoid of any merit, is dismissed.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

September 14, 2017
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned:	Yes
Whether Reportable:	No