

**Sr. No.203**  
**IN THE HIGH COURT OF PUNJAB & HARYANA**  
**AT CHANDIGARH**

**CRM No. M-30696 of 2016 (O&M)**

**Date of Decision: 21.02.2017**

Ram Avtar

... Petitioner

Versus

State of Haryana

... Respondent

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

Present:- Mr. Sanjiv Gupta, Advocate,  
for the petitioner.

Mr. C.S.Bakhshi, Additional A.G.Haryana.

Mr. Lekh Raj Sharma, Advocate,  
for the complainant.

**TEJINDER SINGH DHINDSA, J.(ORAL)**

Petitioner seeks concession of pre-arrest bail in case FIR No.102 dated 12.05.2016, under Sections 406, 420, 120-B/34 IPC, registered at Police Station Hassanpur.

FIR came to be registered on the complaint of Haryana State Warehousing Corporation. Apparently, an agreement had been entered into between the Corporation and M/s Banke Bihari Rice Mills of which the present petitioner is the sole proprietor. As per contractual arrangement 17638.87 quintals paddy was supplied to the petitioner and he was obligated to deliver 11818.05 quintals of custom milled rice. There is a shortfall of 3185.80 quintals of custom milled rice approximately and which translates into a monetary value of Rs.82,83,080/- as on 01.04.2016.

Counsel appearing for the Corporation would submit that on account of interest having accrued thereupon, the liability as of today would be more than Rs.1 crore and 20 lakh approximately.

Mr. Sanjiv Gupta, learned counsel for the petitioner has raised a three fold submission. He submits that the liability itself is disputed inasmuch as the quantity of paddy supplied to his firm by the Corporation and as alleged in the FIR is disputed. Second submission raised is that as per agreement, there was a clear stipulation for resort of arbitral proceedings and as such criminal liability would not be attracted. Third submission raised by counsel is that general extension had been granted by the State procurement agencies for supplying of custom milled rice up to 31.05.2016 whereas the FIR has been registered at prior point of time i.e. 12.05.2016.

Having heard counsel for the petitioner at length and having perused the pleadings on record, I find that the present petition lacks merit and deserves to be dismissed.

Even taking the stand of the petitioner as regards extension having been granted up to 31.05.2016 yet it cannot be disputed that having availed of such extension, it is not his stand that offer had been made to the Corporation for delivery of balance custom milled rice. The submission as such in this regard is wholly misconceived.

Even with regard to disputing the liability as regards quantity of paddy entrusted to the petitioner, the stand taken is palpably false. This would be clear from the documents placed on record by the petitioner himself as Annexures P-2 and P-3 along with the petition. Annexure P-2 is a communication from the Corporation to the petitioner firm for delivery of the outstanding quantity of custom milled rice pertaining to Kharif season, 2015-16.

Concededly, petitioner has responded to such legal notice vide communication/reply dated 22.03.2016 at Annexure P-3 and in which there

is not even a whisper as regards disputing the liability/entrustment of paddy for purpose of custom milled rice. Rather in the reply, it has been stated that the petitioner firm is making best possible efforts to complete the balance delivery of custom milled rice up to 31.03.2016.

It would also be apposite to take note that all the submissions made by Mr. Gupta would pale into insignificance in the light of his own undertaking recorded by this Court at the stage of issuing notice of motion i.e. 01.09.2016 when he had stated that the petitioner is ready to deposit the amount as calculated by the complainant.

Mr. Gupta concedes that no such amount has been deposited till date.

In the light of discussion hereinabove and coupled with the conduct of petitioner who clearly made an attempt to hoodwink this Court, he is not held entitled to concession of pre-arrest bail.

Petition dismissed.

**21.02.2017**

vandana

**(TEJINDER SINGH DHINDSA)  
JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

Yes