

Sr. No.201

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-32455 of 2016 (O&M)

Date of Decision:22.03.2017

Narinder Kumar

... Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. D.S.Malwai, Advocate,
for the petitioner.

Ms. Harpreet K. Athwal, DAG, Punjab.

Mr. Aayush Arora, Advocate,
for the complainant.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.265 dated 04.11.2013, under Sections 420, 406 IPC, registered at Police Station Sadar Dhuri, District Sangrur.

FIR came to be registered at the instance of Punjab State Warehousing Corporation. The present petitioner is a partner of M/s Jagdambay Rice Mills. Allegations in a nutshell are that raw paddy stock having been entrusted by the Corporation to Jagdambay Rice Mills, there has been a shortfall in delivery of custom milled rice.

As per prosecution, the shortfall is of approximately 4700 quintals of custom milled rice and which would carry a pecuniary value of 01 crore and 20 lakhs.

Learned State counsel upon instructions from ASI Sarabjit

Singh would apprise the Court that in pursuance to the interim protection granted by this Court on 23.09.2016, the petitioner has since joined investigation. It is further contended that even though investigation in the case is concluded and the final report has been prepared but the same has not been submitted only on account of pendency of the present petition.

Counsel appearing for the petitioner would contend that the figure of shortfall of custom milled rice is highly exaggerated inasmuch as there is custom milled rice stock of approximately 7500 bags which has not been lifted on the pretext that such rice stock is either of broken quantity or is of substandard quality and unfit for human consumption. Counsel would argue that it would be debatable as to whether such custom milled rice stock of 7500 bags is to be set off against the shortfall of 4700 quintals of custom milled rice as per allegations.

On a specific query having been put, even counsel appearing for the complainant-Corporation would concede that as per clause in the agreement entered into between the Corporation and the Jagdambay Rice Mills arbitral proceedings already stand initiated.

In view of the facts and circumstances noticed hereinabove, this Court is of the considered view that custodial interrogation of the petitioner would not be warranted.

Petition is allowed. Order dated 23.09.2016, passed by this Court, is made absolute.

Disposed of.

22.03.2017

vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned

Yes

Whether Reportable

No