

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

CRM-M-38045-2017

Date of decision: 31.10.2017

Rakesh Raj Palta

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.Kulbhushan Raheja, Advocate
for the petitioner.

Ms.Samina Dhir, DAG, Punjab.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner Rakesh Raj Palta, an accused in FIR No.157 dated 4.7.2014 for the offence under Section 409 IPC, registered with Police Station Bhikhiwind, District Tarn Taran.

In nutshell, the facts of the case as per prosecution story are that Punjab Agro Food Grains Corporations Ltd. Tarn Taran is engaged in purchase of wheat from the Government every year storing it on different plinths; that various employees are appointed to look after that work and it is responsibility of those employees to keep account of whole wheat stored there as well as the wheat dispatched and plinth Incharge is also responsible for any shortage; that Pawanpreet Singh son of Bakshish Singh was appointed on Manihala Plinth as its incharge vide office order

dated 11.4.2011; that it was his responsibility to take care of all kind of wheat in the stock and to dispatch the wheat to Food Corporation of India; that in March, 2014, Pawanpreet Singh was instructed to physically verify the stocks, but he did not do so despite being asked repeatedly, therefore, Head Office, Chandigarh constituted a committee comprising three senior members, who went to Patti plinth and carried out physical verification of the stock finding that 79431 bags of wheat, 50 kgs. each coming to 39715.50 quintal of weight, of the value of Rs.7,20,20,010/- was short, in that way, Pawanpreet Singh had committed fraud by indulging in embezzlement of the wheat causing financial loss to the corporation; that on complaint having been submitted by Deputy Manager, Punjab Agro Food Grains Corporation, Near Janta Palace, Amritsar Road, Tarn Taran dated 20.6.2014, formal FIR was registered.

On registration of formal FIR, apprehending his arrest in this case, the petitioner Rajesh Raj Palta, who was posted as Manager Accounts with respect to the relevant plinth had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Additional Sessions Judge, Tarn Taran vide order dated 18.9.2017 with the following observations:

“No doubt, the petitioner Rakesh Raj Palta is not named in the FIR. However, the details of the shortage and the embezzlement of more than Rs.7,20,20,010/- (Seven crores twenty lakhs twenty thousands ten rupees) is reflected in the FIR. The role attributed to the petitioner is that he was working as Manager (Accountants) Punjab Agro Food

Corporation and on the basis of forged bills, he used to pass the cheques. Applicant/accused remained accountant with the above-said department from 26.2.2007 to 9.6.2012. It can not be expected that he was not in the knowledge that in the physical verification, it was found shortage of 79431 wheat bags from Patti Plinth. Despite that he use to pas the cheques. Still further such a huge quantity and large scale embezzlement of more than Rs.7,20,20,010/- (Seven crores twenty lakhs twenty thousands ten rupees) cannot be presumed to be a handy work of Pawanpreet Singh individually. The offence projected against the petitioner are serious in nature and as such no ground is made out to extend the benefit of anticipatory bail to the petitioner at this stage. Accordingly, bail application stands dismissed.

As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel.

I have heard learned counsel for the parties besides going through the records and I find that there is no merit in the petition.

Learned counsel for the petitioner has contended that petitioner is a retired employee and he is not named in the FIR and has not committed any offence; that he has been roped in simply for the reason that he was earlier Manager Accounts; that he is an aged person of 61

years; that he was transferred from Tarn Taran as District Manager, Farikkot on 8.6.2012; that the petitioner was not charge holder of the stock at Patti Plinth, which was in charge of Pawanpreet Singh; that in an another FIR registered against him regarding different plinth on the same allegations, interim bail has been granted to him by this Court while issuing notice of motion, therefore, since custodial interrogation of the petitioner is not required, he be granted pre-arrest bail.

This request is vehemently opposed by the learned State counsel contending that petitioner was actively involved in the crime; that in the disclosure statement made by main accused Pawanpreet Singh before the police, he has specifically named the petitioner as well as one Jagat Ram as his co-participants in the scam, therefore, the petitioner cannot come up with a straight face and say that he has nothing to do with the crime.

Learned Additional Sessions Judge, Tarn Taran has rightly observed that petitioner was working as Manager Accounts and he used to pass the cheques on the basis of forged bills for the period for which he remained posted there being from 26.2.2007 to 9.6.2012, therefore, active involvement of the petitioner comes out to be there.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation so as to find out the necessary details of commission of the crime and in case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

31.10.2017

Brij

(H.S.MADAAN)

JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No