

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

Sr. No.213

**CRM-M No.46363 of 2016
Date of decision: 13.01.2017**

Anoop Gachli

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. S.S. Rangi, Advocate, for the petitioner.

Mr. Manish Bansal, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail in FIR No.344 dated 26.12.2015 under Section 406, 420 (Sections 467, 468, 471, 120-B IPC added later on) at Police Station Naraingarh, District Ambala.

The primary case of the prosecution is that as per record maintained by the Haryana Agro Industries Corporation Limited (for short the 'Corporation'), 7492.65 MT of paddy had been supplied on behalf of the Corporation to M/s Shiv Shankar Rice Mill for milling purposes. After being milled, the same was to be supplied to the Food Corporation of India. On physical verification, it was found that much lesser quantity of paddy than the amount reflected in the records had actually been supplied by the Corporation to the miller. Further, the miller had only milled 41.85 MT of paddy and had supplied only 27 MT of rice to the Food Corporation of India.

Learned counsel for the petitioner sought the grant of regular

the post of District Manager of the Corporation at Ambala on 31.10.2015 and till that date, the entire paddy, which had been supplied on behalf of the Corporation to the miller, was done under the sole supervision of the Mandi Supervisor. The petitioner had no role in such supply. He further submitted that all other acts of short milling of paddy and short supply of rice were after the petitioner had been transferred. It was still further submitted that the petitioner has already been in custody since 21.02.2016; challan had been filed and therefore, the petitioner was no longer needed for investigation and since the trial was yet to commence it would take a long time to conclude.

Learned State counsel opposed the grant of bail by submitting that the above referred embezzlement took place due to lack of supervision by the petitioner.

The lack of supervision or the extent thereof by the petitioner would be gone into during the trial which is likely to take a long time as the same has not even commenced till date. The petitioner has been in custody since 21.02.2016 and as the investigation is complete, he is no longer needed by the prosecution.

In the peculiar facts of the case, limiting the observations made above only for deciding the present petition for bail, I deem it proper to admit the petitioner to regular bail to the satisfaction of the trial Court.

The petition stands allowed in the above terms.

(DEEPAK SIBAL)
JUDGE

January 13, 2017
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(i)	Whether speaking/reasoned	Yes/No
(ii)	Whether reportable	Yes/No