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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.7557 of 2016 (O&M)
Date of Decision: 28.02.2017

ANUJ KUMAR GUPTA

.....Petitioner

Vs

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Rahul Sharma, Advocate
for the petitioner.

Mr. P.P. Chahar, D.A.G., Haryana.

Mr. Deepak Balyan, Advocate
for the complainant.

Mr. Jagdish Manchanda, Advocate
for the applicant-M/s JK Jute Mills Majdoor Ekta
Union.

RAJ MOHAN SINGH, J.(Oral)

The petitioner seeks grant of anticipatory bail in case bearing FIR No.115 dated 21.03.2014, registered under Sections 406, 420 and 120-B IPC at Police Station Ambala City, District Ambala.

Learned counsel for the petitioner contended that the petitioner is the employee of Central Government and he certified the bales of jute bags in discharge of his official duty

and the inspection done by the petitioner was in consonance with DGS&D Manual Chapter 14 issued by the Government of India. The alleged supply made by the Company i.e. J.K. Jute Mills has no connectivity/nexus with duty assigned to the petitioner.

On 03.03.2016, following order was passed by this Court:-

“The present petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.115 dated 21.03.2014, under Sections 406, 420 and 120-B of the Indian Penal Code, registered at Police Station Ambala City, District Ambala, Haryana.

It may be briefly noticed that FIR was lodged on the complaint of Anil Chauhan, District Manager, HAFED Ambala in the year 2014 on the allegations of having received 1300 gunny bales from M/s J.K.Jute Mills, Kanpur and the same being old, mutilated, torn, unbranded and thereby having caused loss to HAFED.

Counsel appearing for the petitioner would submit that the petitioner is working as an Assistant Director, Quality Assurance in the Office of Director (QA) DGS&D and that even though applicant had inspected the bales of jute bags and certified the same but it is not the same consignment that had been sent by J.K.Jute Mills. Categorical submission is that the sub-standard jute bags supplied to HAFED and which are a subject matter of the present FIR do not carry the certification of the present petitioner

Notice of motion, returnable for 26.05.2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner submitted that pursuant to the aforesaid order, petitioner has joined the investigation.

Learned State counsel on instructions from ASI Naresh Kumar admitted the aforesaid fact and stated that petitioner is no more required for further investigation.

At this stage, learned counsel for the complainant /HAFED as well as learned counsel for the applicant-M/s J.K. Jute Mills Majdoor Ekta Union opposed the grant of bail on the premise that the CRM-M No.21263 of 2014 filed by one of the employee of the J.K. Jute Mills has also been dismissed by this Court.

From the facts of the aforesaid case, it can be noticed that petitioner in the aforesaid case was the employee of the J.K. Jute Mills and in view of his duties and nature of duty assigned to the petitioner viz-a-viz. stand of the State counsel

on instructions from the Investigating Officer, I deem it appropriate to make the order dated 03.03.2016 absolute.

Ordered accordingly.

Petition along with all other civil misc. applications stand disposed of accordingly.

February 28, 2017

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Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No