

IN THE HIGH COURT OF PUNJAB AND HARYANA,
AT CHANDIGARH

CRM-M-8625-2017

Date of Decision: 30.03.2017

Jiwan Kumar

.....Petitioner

vs.

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Ashok Singla, Advocate,
for the petitioner.

Mr. Rajesh Mehta, Addl. Advocate General, Punjab.

Mr. Ishan Gupta, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

Learned counsel for the petitioner submits that as a matter of fact, the petitioner has filed a suit against the Punjab State Grain Procurement Corporation Limited (Pungrain), i.e. respondent no. 2, seeking recovery of approximately Rs. 15,00,000/- under various heads.

He further submits that a bank draft of Rs. 5,00,000/- has been given in advance by way of security to the company.

Therefore, the contention is that even if there are approximately 157 metric tons of rice falling short, the total value of that rice is approximately between Rs. 22,00,000/- to 23,00,000/- and as such, the net loss presently to the Corporation is about Rs. 2,00,000/- to Rs. 3,00,000/-.

Learned counsel for the State and Pungrain submits that

approximately 157 metric tons of rice is calculated, it would come to between Rs. 46,00,000/- to Rs. 47,00,000/-.

Keeping all the aforesaid apart, the factual aspect of the matter is that 157 metric tons of rice have been found to be short, which the petitioner/his firm was supposed to deliver to Pungrain.

Mr. Singla, learned counsel for the petitioner, further contends that even as per clause 6 of the contract between the parties, it was a case of joint custody with Pungrain and not the petitioners' custody alone.

Even if that is accepted at face value though counsel for the respondents have an explanation to the effect that the joint custody was only with regard to shortage of stock in the Depot and not with regard to that which was coming from "Mandi", however, there being joint responsibility for the custody of paddy/rice, does not absolve the petitioner of the liability of a huge quantity of 157 metric tons of rice having gone missing.

Whether there is also connivance with anybody from Pungrain or not, is something that would be investigated by the agency concerned.

It needs to be noticed here that this issue is a recurring one on a wide scale every year, with large quantities of rice/paddy going missing from a large number of rice shellers/milling premises, with the Proprietors/Directors/Owners thereof taking shelter by contending that it is only a civil dispute.

Whereas it may also be a question of civil remedy as regards recovery of any amount of money or stock due, however, with huge quantity of public 'property' in the form of rice/paddy going missing, it cannot be taken lightly as only a civil dispute with no criminal intent whatsoever on behalf of the owners of the rice mills/shellers concerned.

Whether eventually it turns out to be a simple question of miscalculation or actual embezzlement of paddy/rice, would be gone into by the investigating agency.

At this stage, in any case, in the aforesaid circumstances, this Court sees no reason whatsoever to grant the concession of anticipatory bail to the petitioner, he having given no explanation whatsoever, for a large quantity of 157 tonnes of rice having disappeared from his premises.

Consequently, the petition is dismissed.

It is made clear that anything observed hereinabove will only be taken to be an observation of this Court in the context of the petition seeking anticipatory bail and not on the merits of the alleged offence.

(AMOL RATTAN SINGH)
JUDGE

March 30, 2017

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Whether speaking/reasoned

Yes

Whether Reportable

No.