

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-9023 of 2017

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Date of decision:5.4.2017

Rajiv Kumar

...Petitioner

v.

State of Punjab

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Navdeep Chhabra, Advocate for the petitioner.

Mr. V.P.S. Sidhu, Assistant Advocate General, Punjab
for the respondent-State.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C.
for grant of anticipatory bail in case FIR No.186 dated 27.7.2005 registered
for the offences under Sections 406, 409 and 420 IPC at Police Station City
Sri Muktsar Sahib, District Sri Muktsar Sahib.

Notice of motion has been issued in this case.

Mr. V.P.S. Sidhu, learned Assistant Advocate General, Punjab
has put in appearance on behalf of the respondent-State and contested this
petition.

I have heard learned counsel for the petitioner and learned
Assistant Advocate General, Punjab appearing for the respondent-State and
have gone through the record.

As per the allegations, the present petitioner was sole proprietor of M/s Simran Rice Mills and the allegations against him are misappropriation of paddy allotted for the year 2001-02 by the PUNSUP.

On the other hand, learned counsel for the petitioner argued that the petitioner is employee of M/s Fateh Rice Mills at a monthly salary of ₹3,500/- and in the year 2001, the petitioner was terminated from his services. He stated that M/s Fateh Rice Mills had misappropriated huge quantity of paddy allotted to it in the year 1999-2000 by the PUNSUP and the said firm under clever design, Fateh Singh alias Tikka owner of M/s Fateh Rice Mills incorporated one another firm M/s Simran Rice Mills in the name of his son and called the petitioner over phone with assurance to keep him again under his employment in his newly incorporated firm. Under such assurance, the petitioner was made to sign on several blank papers, stamp papes and cheque book etc. and the petitioner was further asked to bring one guarantor. Fateh Singh alias Tikka owner of M/s Fateh Rice Mills clandestinely made the petitioner as sole proprietor of M/s Simran Rice Mills and the petitioner knew nothing about that.

Keeping in view the facts and circumstances of the present case, nature and gravity of the offences and without expressing any opinion on the merits of this case, I find that the custodial interrogation of the present petitioner is necessary in the present case. The petitioner cannot absolve the liability by saying that his signatures were obtained on blank papers, cheque book and other documents etc. As per the prosecution version, even the agreement for supplying paddy etc. was with the present

petitioner.

Therefore, in the circumstances, I do not find it a fit case where the present petitioner is entitled to the benefit of anticipatory bail.

Therefore, finding no merit in this petition, the same is dismissed.

April 5, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No