

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

CRM-M-28286-2018  
Date of Decision:-28.8.2018

Ran Pal Singh

... Petitioner

Versus

State of Punjab

... Respondent

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present:- Mr. Vipin Mahajan, Advocate for the petitioner.

Mr. A.S. Sandhu, Additional Advocate General, Punjab.

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**GURVINDER SINGH GILL, J.**

1. The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.225 dated 24.12.2014 under Sections 420 and 406 of Indian Penal Code, 1860 at Police Station Dina Nagar, District Gurdaspur, Punjab.
2. The FIR was registered pursuant to an application moved by Manjit Singh, District Manager, PUNSUP, Gurdaspur, alleging therein that during the year 2010-11 PUNSUP had supplied 1,23,510 bags weighing 43,228.50 quintals of paddy to M/s Ranpal Singh Dalla Rice Mills, Paniar, Gurdaspur for custom milling and an agreement for the said purpose was entered into between PUNSUP and the miller. Shri Ranpal Singh, owner of M/s Ranpal Singh Dalla Rice Mills, was to deliver 28,963.10 quintals of rice to Food Corporation of India but as against the said quantity, it was only 9152.80 quintals which was delivered back. In other words, there was a shortage of 19,810 quintals of rice, which is stated to be valued at ₹ 5,50,24,363/-.
3. Notice of motion was issued to State. The learned State counsel has put in

appearance and is opposing the application.

4. The learned counsel for the petitioner has submitted that he has falsely been implicated in the present case and that in fact, it was only 14,880 quintals of paddy which had been supplied to the petitioner for custom milling as against 43,228.50 quintals, as alleged by PUNSUP, and that he was supposed to deliver back 9,860.90 quintals of rice after custom milling. He has submitted that as against the aforesaid required 9,860.90 quintals of rice, the petitioner delivered 9153.30 quintals only and thus, shortage was to the tune of 716 quintals of rice approximately and for which the petitioner had already deposited the price by way of issuing a cheque for an amount of ₹ 16,25,046/- (Annexure P-3). The learned counsel has further submitted that he has in fact been falsely implicated in the present case on the basis of a forged agreement (Annexure P-5) on which his signatures have been forged as has also been found by Handwriting Expert Ms. Sukhpreet Kaur whose report has been annexed as Annexure P-6.
5. On the other hand, the learned State counsel has submitted that the petitioner cannot turn around and say that he had not received 43,228.50 quintals of paddy as he had infact furnished a consolidated receipt dated 31.3.2011 (Annexure P-5/1) regarding receipt of the aforesaid quantity of paddy. The learned State counsel has further informed that in fact the petitioner had also been paid loading charges in respect of the aforesaid quantity of paddy which were debited from the account of PUNSUP on 28.3.2011 and that the said amount i.e. ₹ 3,39,884/- were credited in the account of the Miller, which is a clear pointer that the entire quantity of paddy i.e. 1,23,510 bags had been supplied to the accused. The learned State counsel has further submitted that although the petitioner is relying upon the report of some private Handwriting Expert but the same cannot be made basis of returning any finding at this stage

especially since the signatures of the petitioner, as existing on the consolidated receipt (Annexure P-5/1) and on the agreement Annexure P-5 are apparently in the same hand, although the same do appear to be different from the alleged standard signatures. The learned State counsel has submitted that the standard signatures should ideally be collected from two or three different admitted documents and that in these circumstances the report of private Handwriting Expert could not be relied upon. He has further submitted that in fact the entire controversy has also been adjudicated upon in Arbitration proceedings, which have been concluded against the petitioner, although an appeal is pending.

6. Having heard the learned counsel for the petitioner and also the learned State counsel and having considered rival submissions, I find that in the present case huge quantity of paddy/rice worth more than ₹ 5 crores is involved which is alleged to be misappropriated and for which the petitioner has not come out with any satisfactory explanation. Although, the petitioner claims that the entire quantity of 43,228.50 quintals was never supplied to him but in view of the consolidated receipt issued by petitioner and also bearing in mind that the loading charges in respect of the same had been credited in account of petitioner, it is *prima facie* evident that the entire paddy has been supplied to him, a substantial part of which has not been returned by the petitioner after custom milling the same. Custodial interrogation of the petitioner would certainly be required especially to establish the authenticity of the signatures, which the petitioner is disputing. It will not be out of place to mention that while the petitioner disputes the signatures on the agreement (Annexure P-5) and asserts that the signatures as existing on cheque (Annexure P-3) are real signatures, but the signatures of petitioner, as existing of Affidavit and filed with this bail application don't seem to resemble with either of these. The

investigating agency needs to probe the said aspect thoroughly. In any case, the petitioner admits that he had been allotted paddy for custom milling although he has not come out with any other agreement under which he may have been allotted paddy for custom milling. Thus, it is apparent that it is agreement (Annexure P-5) under which the petitioner had been allotted paddy. As such, I do not find any special case for grant of anticipatory bail.

7. The petition, as such, is without merits and the same is hereby dismissed.

**28.8.2018**  
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**(Gurvinder Singh Gill)**  
**Judge**

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| Whether speaking /reasoned | Yes / No |
| Whether Reportable         | Yes / No |