

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

CRM No.M-29408 of 2018 (O&M)

Date of Decision: July 25, 2018

Gurjinder Kumar

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.K.S.Dadwal, Advocate
for the petitioner.

Mr.Pawan Sharda, Sr.DAG, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.44 dated 05.04.2018 under Sections 406, 409,420, 467, 468, 471, 120-B IPC and Sections 13(1)(d) read with Section 13(2) of the Prevention of Corruption Act, registered at Police Station Jandiala Guru, District Amritsar.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that FIR in the present case has been registered on the application of Inspector Gurjinder Kumar and Vipan

Sharma, AFSO. As per allegations in the FIR, M/s Veeru Mal Mulakh Raj was owned by Gulshan Jain, who from the last 7-8 years, after purchasing the government paddy from the department and after milling the same, was returning to the department in the shape of rice. Said Gulshan Kumar, with intention to play fraud and cause loss to the department, misappropriated large number of bags of paddy. As per the allegations, on 02.04.2018, when officials of department inspected the godown for physical verification, the bags of paddy, which were sent by the department to the godown, as per rules, were found to be quite less in numbers and then they informed the department.

Learned State counsel argued that more than 4 lakhs bags were found less and loss of about ₹33.6 crore has been caused. As per learned State counsel, present petitioner has given the report to the department on 15.03.2018 that the paddy is found in the godown as per stock, whereas on 02.04.2018, again on physical verification, large number of paddy bags were found missing and loss of about ₹33 crores has been caused. Learned State counsel contended that present petitioner has connived with the main accused. Huge number of bags cannot be removed from the godown without the connivance of official of the department nor these can be removed in a day. He argued that it was the supervisory duty of the present petitioner and he was also supposed to be in joint custody of those bags. Without his connivance, paddy bags cannot be misappropriated or taken away from the godown/sheller.

Keeping in view the serious allegations against the petitioner and without discussing the facts of the case in minute details and without

required for custodial interrogation and no ground is made out for grant of benefit of anticipatory bail to him.

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

However, nothing stated above, shall constitute my opinion on merits of the case.

July 25, 2018	(INDERJIT SINGH)
Vgulati	JUDGE
Whether speaking/reasoned	Yes
Whether reportable	No