

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

CRM-M No.42409 of 2018

Date of decision: 26th October, 2018

Tejpal Garg

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Jasjit S. Bedi, Senior Advocate with
Mr. Sunil Sihag, Advocate for the petitioner.

Mr. Munish Sharma, Asstt. Advocate General, Haryana
for the respondent/State.

FATEH DEEP SINGH, J.

Through this order shall stand disposed off fourth regular bail application filed under Section 439 Cr.P.C. by petitioner accused Tejpal Garg in case bearing FIR No.429 dated 10.12.2014 under Sections 406 and 420 IPC pertaining to Police Station Madhuban, District Karnal.

The allegations in brief, that have been highlighted during the course of arguments of the two sides, are to the effect that Inspector, Department of Food and Supply, Karnal, Surender Hooda (now accused as well) had written a letter addressed to the police alleging that firm M/s Raj Shree Rice Mills, owned by the petitioner was allotted 61541.24 quintals of rice for custom milling for the year 2013-14 and the resultant rice was to be supplied to the Food Corporation of India till 31.03.2014 and which stood extended till 30.09.2014. On physical verification, after

the firm failed to deliver the resultant rice and finding the same missing, the present case was got registered leading to arrest of the petitioner on 09.08.2016.

Mr. Jasjit Singh Bedi, Senior Advocate assisted by Mr. Sunil Sihag, Advocate appearing for the petitioner has submitted that it was the official of the department, complainant Surender Hooda who was responsible for embezzlement and had fraudulently shown the paddy having been transferred to the firm of the petitioner and that the petitioner is behind bars for more than two years. It is further submitted on behalf of the petitioner that being a Magisterial trial, the Court has failed to conclude the trial within 60 days in terms of Section 437 Cr.P.C. and thus, the petitioner was entitled to bail even by default, submitting that the department admittedly has no records of paddy supplied to the petitioner firm, arguing that the trial is not likely to be concluded in near future and prayed for grant of bail by placing reliance upon **‘Mohan Singh vs. UT Chandigarh’ 1978(2) SCC 366; ‘Sanjay Chandra vs. CBI’ 2011(4) RCR(Criminal) 898; ‘Dipak Shubhashchandra Mehta vs. CBI and another’ 2012(1) RCR(Criminal) 870; ‘Manoranjana Sinh @ Gupta vs. Central Bureau of Investigation’ 2017(1) RCR(Criminal) 1025; ‘Suresh Kalmadi vs. CBI’ 2012(5) RCR(Criminal) 556; ‘Kuldeep Singh vs. State of Punjab’ CRM-M-14649-2018 decided on 26.04.2018; ‘Shashank Lochab vs. State of Haryana’ CRM-M-15252-2018 decided on 23.04.2018; ‘Sahil Gorwara vs. UT Chandigarh’ CRM-M-13533-2017 decided on**

28.02.2018; ‘Giri Raj vs. State of Haryana’ CRM-M-19535-2018 decided on 14.09.2018; ‘Lalit Khurana vs. State of Punjab’ CRM-M-18477-2018 decided on 20.07.2018; ‘Mamta Singla vs. State of Haryana’ CRM-M-3931-2018 decided on 05.02.2018; ‘Sahil Gorwara vs. State of Punjab’ CRM-M-9032-2015 decided on 12.10.2015; ‘Vijay Kumar vs. State of Rajasthan’ 2017(5) RCR(Criminal) 794; ‘Sanjay Jha vs. State of Chhattisgarh’ 2014(2) RCR(Criminal) 405; and ‘Mehmood Mohammed Sayeed vs. State of Maharashtra’ 2002(10) SCC 677.

On behalf of the State, Mr. Munish Sharma, Asstt. Advocate General, Haryana has vociferously opposed grant of bail on the ground that paddy worth Rs.13.00 crores has been embezzled by the petitioner and during the course of investigations even the complainant has been arraigned as an accused and thus, reflects the connivance of the petitioner with the department officials in this notorious attainment of their nefarious design, arguing that supplementary challan has already been presented on 01.06.2018 and therefore, by virtue of Section 437 Cr.P.C. cannot be availed of by the petitioner when out of the total 38 prosecution witnesses, 29 stood examined.

Appreciating the submissions, the earlier three similar bail applications of the petitioner have been dismissed by this Court and the learned counsel for the petitioner could not enlist what fresh grounds have arisen for moving this petition when the trial is being carried on expeditiously. The ratios cited are of no help to the case of the petitioner

on account of factual disparity. The allegations against the petitioner and that of his co-accused are of very serious nature having embezzled paddy to the tune of Rs.13.00 crores and thus, caused immense loss to the State. Apparently, commission of offence under Sections 409, 120-B IPC, which is punishable for ten years and above, is made out. Mere incarceration is no extenuating circumstance when the supplementary challan has already been filed on 01.06.2018. Furthermore, in their writ petition, as has been brought to the notice of this Court, for referring the matter to the Arbitrator, the petitioner accepts the agreement with the department and thus, cannot wriggle out of their stand that the paddy was never supplied to them. In the light of seriousness of the allegations and heinousness of the offence, does not call for grant of bail. No fresh ground for grant of bail is made out to the petitioner. Finding no merit, the petition stands dismissed.

(FATEH DEEP SINGH)
JUDGE

October 26, 2018

rps

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No