

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

CRM-M-49614 of 2017(O&M)

Date of Decision: 28.02.2018

Satbir Singh

....Petitioner

Versus

State of Haryana

....Respondent

CORAM:HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Atul Lakhanpal, Sr. Advocate with
Mr. R.S. Chahal, Advocate for the petitioner.

Mr. Vikas Malik, DAG, Haryana.

Mr. Manoj Sharma, Advocate
for the complainant.

MAHABIR SINGH SINDHU, J.(Oral)

The present petition has been filed under Section 438 of the Code of Criminal Procedure (Cr.P.C.) for grant of concession of anticipatory bail to the petitioner in case First Information Report No.645 dated 04.12.2017 under Sections 420, 406, 506 and 120-B of the Indian Penal Code registered at Police Station City Fatehabad, District Fatehabad.

Learned counsel for the petitioner argued that the petitioner has been falsely implicated in the present case and no role has been attributed in the FIR. It is further argued that the petitioner is in no way connected with Son of Sardar Rice Mill or sale of the Paddy. Nothing is to be recovered from him. The petitioner is bed-ridden after he met with an accident on 18.08.2017 and thus his custodial interrogation is of no use.

On the other hand learned State counsel has argued that the petitioner in conspiracy with other co-accused had cheated the complainant for a sum of Rs. 63, 66, 894/- . It is further argued that

petitioner did not make any payment to complainant and misappropriated the entire paddy. He further contended that petitioner does not deserves the concession of anticipatory bail.

Heard learned counsel for the parties and perused the paper book.

The above noted FIR was registered by complainant-Sunil Kumar with the allegation that he is running a shop in the name and Style of M/s Sunil Kumar Aggarwal and Company, Shivalya Market, Fatehabad for trading rice, paddy and Khal. About three months ago, Sunder, Manoj and Vakil had come to the factory of his father and told him that they were running a rice mill in Village Chanderkalan and Satbir is partner in the said firm. On 10.11.2017, Manoj and Vakil had come to the father of the complainant and told that they all four had taken the Son of Sardar Rice Mill Chanderkalan on lease and on their demand five trucks loaded with paddy on 14.11.2017, three trucks on 16.11.2017, four trucks on 17.11.2017, total 3942 quintals and 35 kgs for amounting to Rs. 63,66,894/-(loss) were supplied to the accused . On 21.11.2017, when the complainant demanded the money from Vakil Chand then he told that the payment was not received by him and he would make the same through RTGS to the complainant within a period of two-three days. On the next day, the complainant telephonically called Satbir-petitioner, but he refused to pay the amount. The complainant came to know that the paddy which was supplied, was delivered to some other factory instead of Son of Sardar Rice Mill which was already closed and the accused had cheated the complainant and misappropriated the paddy while committing a breach of trust.

As per the version in the FIR the petitioner alongwith other co-accused had posed themselves to be the partners of Son of Sardar Rice Mill when they told the complainant that they had taken the said rice mill on lease hold basis. It was on this premise that they persuaded the complainant to supply the paddy to the aforesaid rice mill, however, the said paddy was siphoned off to some other rice mill

instead of Son of Sardar Rice Mill. No payment against the supply of the said paddy has been made to the complainant. All three co-accused have been arrested during investigation, police have recovered the lease deed dated 15.09.2017, executed by original owner of Rice Mill in favour of Satbir Singh-petitioner for one year i.e. 01.09.2017 to 31.08.2018 as proprietor of M/s Son of Sardar Rice Mill. Thus, the petitioner is one of the co-accused who actively participated in the crime and being lessee cannot wriggle out of his liability and his custodial interrogation is necessary.

In view of the above, this Court finds no reason to grant anticipatory bail to the petitioner and the same is accordingly, dismissed.

[MAHABIR SINGH SINDHU]
JUDGE

February 28, 2018
rashmi

Whether speaking/reasoned
Whether reportable?

yes/no
yes/no