

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

Reserved on 18.01.2019

CRM-M No.1662 of 2019

Date of decision: 21.01.2019

Manmeet Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Balwinder Singh, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J.

The present petition has been filed under Section 438 of the Code of Criminal Procedure (in short 'Cr.P.C.') seeking anticipatory bail to the petitioner in FIR No.0268 dated 05.12.2018 registered under Sections 409 and 120-B of the Indian Penal Code (in short 'IPC') at Police Station Civil Lines Batala, District Gurdaspur.

Counsel for the petitioner has submitted that the petitioner joined as a Field Officer (Preservation) on 16.08.2011 with MARKFED and was posted as a Branch Officer on his present place of posting w.e.f. 01.04.2013 and is given the charge of Supervisor-cum-Branch Officer in MARKFED at Batala, District Gurdaspur. It is further submitted that as per the allegations in the FIR, the department conducted a physical verification of the godowns on 28.09.2018 regarding the wheat crop for the year 2017-18, purchased by

MARKFED in Batala and the same was stored in the godowns called NCDC covered godowns. On physical verification of the stock, heavy shortage of 21973 bags weighing 10986.04 Qtls. valuing Rs.2,56,77,891/- was found. It was reported that the petitioner is Branch Incharge and one Jaswant Singh is deployed as a Salesman and since, there is heavy embezzlement of the wheat crop, an FIR be got registered. On the basis of the such information, the District Manager, MARKFED, Gurdaspur asked the police authorities to register an FIR and investigate the case.

Counsel for the petitioner has firstly argued that the complainant – District Manager, MARKFED, has no locus to get the FIR register against the petitioner as he was not present at the time of physical verification and the petitioner was not sole Incharge of the godowns. It is further submitted that the co-accused – Jaswant Singh has sworn an affidavit that he is working as a Salesman in Batala Branch of MARKFED and the shortage has occurred when one Kashmir Singh and said Jaswant Singh were jointly in charge of NCDC godowns. It is also submitted that there is nothing on record to suggest that the petitioner has committed any offence.

In reply, counsel for the State, on instructions from HC Sukhraj Singh and on the basis of the physical verification report has opposed the prayer for bail on the ground that the petitioner being an employee of MARKFED has committed an embezzlement of more than 2 crores of rupees and there is a shortage of 21973 bags weighing 10986.04 Qtls. valuing Rs.2,56,77,891/- and the petitioner is a Supervisor and custodial of the godowns along with co-accused

Jaswant Singh and the allegations against the petitioner are serious in nature and are against the welfare of the society, therefore, the custodial interrogation of the petitioner is required.

After hearing the counsel for the parties, I find no ground to grant anticipatory bail to the petitioner. The allegations against the petitioner are pertaining to embezzlement of 21973 bags weighing 10986.04 Qtls. amounting to Rs.2,56,77,891/-. The petitioner could not dispute that he along with his co-accused are the custodial/Incharge of the godowns from where, after conducting the physical verification, the shortage of the aforesaid bags was found, therefore, considering the gravity of offence committed by the petitioner, in which public property has been embezzled, I do not deem it a fit case to grant the concession of the anticipatory bail to the petitioner as his custodial interrogation is still required.

Dismissed.

(ARVIND SINGH SANGWAN)
JUDGE

21.01.2019
yakub

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