

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-13496-2019 (O&M)
Date of Decision:- 17.7.2019

Vishal Goyal ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Rajesh Bansal, Advocate, for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana,
assisted by ASI Birender.

GURVINDER SINGH GILL, J. (Oral)

1. By way of filing this petition, petitioner-Vishal Goyal seeks grant of anticipatory bail in respect of a case registered vide FIR No.254, dated 24.4.2018, registered at Police Station Samalkha, District Panipat, under Sections 420, 467, 468, 471 IPC (Section 120-B IPC added later on).
2. The FIR was lodged at the instance of Incharge Inspector, Food and Supply Department, Samalkha, wherein it has been alleged that on 23.4.2018 at about 7.30 pm when Assistant Food and Supply Officer, Samalkha, was checking vehicles coming from outer areas, then a truck bearing registration No.HR-55-R-4739 was apprehended which

was found to be overloaded. The driver and cleaner upon inquiry disclosed that pearl millet (Bajra) was loaded in the truck and also showed a 'bilty' issued by M/s Jai Ambey Transport Company Mant, Mathura, Uttar Pradesh, wherein the articles were described as pearl millet. However, when the bags were physically checked by the Inspector, the same were found to contain wheat instead of pearl millet and the bags were about 550-600 in number. It is thus alleged that although the carrying capacity of the truck in question was 16 MT but the articles weighing about 30 MT have been loaded and the height of loaded articles was also in excess from the permissible height.

3. Learned counsel for the petitioner has submitted that the only allegation as per FIR would be that there was overloading of the truck and that in any case there is no allegation to the effect that the wheat allegedly recovered was stolen or that there was violation of any other notification/circular/receipt.
4. Opposing the petition, learned State counsel has submitted that during investigation it had been found that the firm namely M/s Jai Ambey Transport Company Mant, was non-existent and that since wheat instead of pearl millet was found to be loaded for which no document was shown by the petitioner, there is no case for grant of anticipatory bail to the petitioner. Upon instructions from ASI Birender, it has however, been informed that at one stage Deputy Superintendent of Police, had found the petitioner to be innocent and

that the petitioner has already joined investigation and is not required for any further investigation.

5. Bearing in mind the aforesaid facts and that the petitioner is not stated to be required for any further investigation, the petition, as such, is accepted and interim directions issued vide order dated 26.3.2019 are made absolute subject to the condition that the petitioner shall appear and join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.
6. The present petition stands accepted accordingly.

July 17, 2019
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(GURVINDER SINGH GILL)
JUDGE

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