

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

101+211

CRM-M-15931 of 2019 (O&M)
Date of decision : 31.10.2019

Naresh Kumar

... Petitioner

Versus

State of Punjab and another

.. Respondents

CORAM :HON'BLE MR.JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Achin Gupta, Advocate for the petitioner.

Mr. Dhruv Dayal, Senior DAG, Punjab.

Ms. Deepali Puri, Advocate for respondent No.2.

Anupinder Singh Grewal, J. (Oral)

The petitioner is seeking anticipatory bail in FIR No.31 dated 09.03.2019 under Sections 406 and 420 IPC, registered at Police Station Kabarwala, District Sri Muktsar Sahib.

Learned counsel for the petitioner contends that the allegations in the FIR manifest a civil dispute between the parties and arbitration proceedings are already going on. It is alleged in the FIR that the petitioner has misappropriated the paddy which was handed over to him for milling. Learned counsel also contends that the shortfall is on account of rejection of the paddy by the Food Corporation of India as it was not meeting the required standards.

Learned State counsel and the counsel for respondent No.2-PUNSUP, however, contend that the paddy had been handed over to the petitioner's Firm for milling and on the physical verification at the spot in the premises of the petitioner, there was shortage of 2472.800 quintals approx. of

rice. They also contend that in the event of the paddy being found to be sub-standard, it would have been lying in the premises and in any case, would not have disappeared.

Heard.

The allegations against the petitioner are that the Firm of the petitioner after having received the paddy from PUNSUP for milling, did not deliver the same after milling. There is shortage of a huge quantity of paddy which has caused loss to the complainant-Corporation to the tune of Rs.76 lacs. Therefore, the petitioner would not be entitled to the benefit of anticipatory bail. Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

October 31, 2019

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