

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

**CRM-M-16420-2019
Date of decision: 16.09.2019**

Anoop Kumar Gachli

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. J. S. Mehndiratta, Advocate
for the petitioner.

Mr. Naveen Sheoran, DAG, Haryana.

Mr. Padamkant Dwivedi, Advocate
for the complainant.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 205 dated 04.09.2018, registered under Sections 406, 420 and 34 of the IPC at Police Station Sadar, Ambala, District Ambala.

Learned counsel for the petitioner submits that as per the allegations in the FIR, co-accused Baljinder Singh is the Proprietor of M/s Gagan Rice Mill, Mirzapur, Ambala City which was handed over 5861.63 MT paddy by the Haryana Agro Industries Corporation (HAIC) for de-husking of the same. As per agreement between the parties, after de-husking of the paddy, the Miller had to supply 3927.29 MT of Custom Milled Rice (CMR) on behalf of HAIC to Food Corporation of India latest by 31.3.2015 which date was extended to 30.9.2015 by Government of India, however, the Mill supplied only 2824.199 MT Custom Milled Rice (CMR) to FCI and failed to deliver the remaining 1043.09 MT rice causing

a loss of Rs. 5,39,50,364/-. During investigation, it transpired that the petitioner, who was the District Manager of Haryana Agro Industries Corporation, had illegally transferred 30 consignments of M/s Gagan Rice Mill in the account of Shiv Dass Rice Mills.

Learned counsel for the petitioner refers to para 13 of the affidavit filed by the District Incharge, Farmers Service Centre, Haryana Agro Industries Corporation, Hisar Road, Ambala, which is reproduced below:

“13. That the facts and circumstances narrated above would show that upon a mutual understanding, M/s Gagan Rice Mills had agreed to deliver 30 consignments of rice M/s Shiv Dass Rice Mills for delivery of rice belonging to it to FCI. Since M/s Shiv Dass Rice Mills had milled the rice of its quota earlier in time and was having space shortage, the Corporation accepted the requests made by said Millers in overall interest of the Corporation. However, the role of the petitioner being the District Manager requires to be investigated in the present case since it is not possible that without inside connivance, the Miller could have caused such huge embezzlement. The fraud played upon by the Miller in connivance with the petitioner is writ large since it has caused huge loss of more than Rs. 5 Crores to the public exchequer.”

Learned counsel for the State has not disputed the factual position and submits that the petitioner has already joined the investigation.

In view of the above, the present petition is allowed and the petitioner is granted concession of anticipatory bail, subject to the conditions envisaged under Section 438(2) Cr.P.C.

However, it will be open for the Investigating Officer to call

upon the petitioner to join investigation after issuing a notice in writing, in case he is so required.

16.09.2019
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No