

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

**Crl. Misc. No. 21390 of 2019
Date of Decision: July 08, 2019**

Prem Chand and others

.....PETITIONERS

VERSUS

State of Haryana

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Parminder Singh, Advocate
for the petitioners.

Mr. Munish Sharma, Asst. A.G., Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioners in FIR No. 461 dated 02.08.2018 registered for the offences punishable under Sections 380, 457 Indian Penal Code at Police Station Quilla Panipat, District Panipat.

Heard.

On checking of the stock of depot of petitioner No. 3-Sandeep, 117 bags of wheat were found in excess regarding which FIR No. 420 dated 16.07.2018 was registered at Police Station Quilla Panipat. Enquiry report was prepared which was signed by Prem Chand nominee of Sandeep and his son Vijay. Depot of Sandeep is in his house Inspector Food and Supply,

Babarpur received information that these bags in excess had been found

stolen from the depot of Sandeep by Prem and Vijay using back window of shop opening in their house. During checking this window was not visible as it was behind the bags. For the bags stolen from shop attempt was made to falsely implicate Vinod Kumar, Sub-Inspector, Center of Food and Supply, Babarpur, Panipat.

Learned counsel for the petitioners submits that in fact a mistake had taken place in this case. The bags found in excess were of the depot of Vijay. These were stocked in the depot of Sandeep due to some inadvertent error.

Learned State counsel submits that another FIR has also been registered against the petitioners, who have not only embezzled the stock of wheat provided at their ration depot but also removed the excess quantity of wheat which was found during enquiry. Without opening the shutter, they took away the excess quantity of wheat from the backside window which opened in the house of Prem and Vijay.

As per case of the prosecution, some excess quantity of wheat was found at the depot of Sandeep and a report was prepared in this regard which was signed by Prem Chand nominee of Sandeep. Later on, this excess quantity was removed from the depot without consent and permission of concerned authority for which Sandeep-the depot holder could not answer. So far as the role of Prem Chand and Vijay Kumar is concerned, it is alleged that Prem Chand signed the enquiry report as nominee of Sandeep while Vijay Kumar is the son of Prem Chand.

In view of the above facts I am of the considered opinion that custodial interrogation of petitioners No. 1 and 2 namely Prem Chand and Vijay Kumar is not required. Their petition seeking pre arrest bail is allowed

and they are directed to surrender before the police and join investigation within a week. In the event of their arrest being required, they shall be released on interim bail till the next date, subject to their furnishing bonds to the satisfaction of Arresting Officer. However, they shall abide by the terms and conditions as envisaged under Section 438(2)(i) to (iv) Cr.P.C. failing which they shall lose the benefit of interim bail allowed to them.

The custodial interrogation of petitioner No. 3-Sandeep son of Shiv Dayal, who was found in possession of the excess quantity of wheat, which was removed later on, is required, as such, his bail application is dismissed.

This petition is disposed of in above terms.

July 08, 2019
Jyoti-II

(SURINDER GUPTA)
JUDGE

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