

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

**Reserved on: 01.02.2019**

**CRM-M No.47288 of 2018**

**Date of decision: 04.02.2019**

Kulwant Singh

....Petitioner

Versus

State of Punjab

....Respondent

**CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

**Present:** Mr. Manoj Kumar, Advocate  
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab  
assisted with ASI Mukhtiar Singh, Vigilance Bureau, Moga

**ARVIND SINGH SANGWAN J.**

Prayer in this petition is for grant of anticipatory bail to the petitioner in FIR No.66 dated 15.07.2014 registered under Sections 420, 409 of the Indian Penal Code (in short 'IPC') at Police Station Ajitwal/D.S.P. Vigilance Bureau, Moga.

As per the allegation in the FIR, which was registered on the complaint of Sr. District Manager, Punjab Agro Food Corporation, Moga, one Manoj Jain, partner of M/s. Mahadev Agro Foods, Sangrur entered into an agreement with the complainant – Corporation for custom milling of paddy for the crop year 2012-13 and had to deliver the due rice of paddy stored with the accused in advance with the FCI in the account of PAFC and to obtain release order of the paddy from PAFC equivalent to the rice delivered in advance on submission of

requisite documents to PAFC. It was further stated that the Corporation stored 254304 bags of 'A' grade of paddy of 35 Kgs. each total weighing 89006.40 Qtl. for the crop year 2012-13 with M/s. Mahadev Agro Foods through its proprietor – Manoj Jain and the accused delivered 19084.14 Qtl. of rice to FCI and on physical verification, it was found that no paddy was available in the premises of M/s. Mahadev Agro Foods and the accused have embezzled 169629 bags of paddy weighing 59370.20 Qtl., details of which is given in the FIR.

After registration of the FIR, the accused Manoj Jain was arrested and he was granted bail by the Additional Sessions Judge, Moga vide order dated 30.07.2015. The complainant filed CRM-M No.3442 of 2015 before this Court seeking cancellation of bail of accused Manoj Jain and on 11.09.2017, this Court directed Director General (Vigilance) Punjab to look into the matter by constituting a high level team and to submit a report.

In pursuance thereof, a Special Investigation Team (SIT) headed by the Senior Superintendent of Police (Vigilance Bureau) Ludhiana conducted the investigation and found that the petitioner being employee of the Corporation was also involved in the embezzlement of the paddy. Thereafter, the police has involved the petitioner as an accused in the present FIR and the petitioner has filed the anticipatory bail.

Counsel for the petitioner has argued that the petitioner was posted as Fertilizer Clerk, at the time, when the physical verification was done and on his complaint, the District Manager, got the FIR registered against the accused persons. It is further stated that

the FIR pertains to the year 2014 and custodial interrogation of the petitioner is not required as the police has already completed the investigation.

In reply, counsel for the State, on the basis of the affidavit of the Deputy Superintendent of Police (Vigilance) Moga has opposed the prayer for bail.

The details of the investigation, as per the affidavit, reads as under:

*“6. That during pendency of said case, complainant Punjab Agro Food Corporation agency had filed a petition bearing No.CRM-M-34442 of 2015 before the Hon'ble High Court for cancellation of bail of accused Manoj Kumar Jain and during pendency of said petition vide order dated 11.09.2017 the Hon'ble High Court has directed the Director General (Vigilance) Punjab to look into the matter by constituting a high level team and submit the report before the Hon'ble High Court.*

*7. That in compliance of said order passed by the Hon'ble High Court, a Special Investigating Team consisting of Rupinder Singh, SSP (VB), Ludhiana, Hargobind Singh, SSP (VB) Ferozepur and Palwinder Singh, DSP (VB), Moga under supervision of Inspector General of Police (VB), Punjab was constituted vide letter No.36111-15/VB/S-9 dated 15.09.2017 issued by Chief Director, Vigilance Bureau, Punjab, Chandigarh for conducting the further investigation of this case. During investigation conducted by Special Investigating Team it transpired that the paddy stored in the firm of accused Manoj Kumar Jain was in the joint custody of PAFC and M/s Mahadev Agro Foods and present petitioner namely Kulwant Singh was also the custodian of the said paddy stored in the firm of accused Manoj Kumar Jain.*

8. That during investigation of the case, it was disclosed by the PAFC that on 06.01.2013, 31.01.2013, 28.02.2013, the Physical Verification of stock stored in the premises of M/s Mahadev Agro Foods was conducted by the petitioner and the then Manager of Punjab Agro Foods Corporation and during said physical verifications the stock was proper, but when after about 6 months the physical verification was conducted by PAFC on 05.09.2013 then said embezzlement was found. As per rules of complainant agency the physical verification was to be conducted after every 15 days. But in the present case the physical verification dated 05.09.2013 was conducted after a gap of 6 months.

9. That during investigation it has also transpired that being joint custodian of paddy stored in the firm of accused Manoj Kumar Jain, the petitioner is also equally responsible for the loss caused to the department and Rakesh Kumar Palta, District Manager of PAFC had also proved his negligence towards his duty. After completion of further investigation petitioner has been arrayed as accused in this case and after completion of investigation supplementary challan against the petitioner has already been prepared on 02.05.2018 and same was presented before the District Attorney, Moga and after perusing the same DA, has recommended to add offence 13(1) of Prevention of Corruption Act and Section 120-B of IPC in the present case after that the report in this regard has been sent to the Head Office of Vigilance Bureau for adding said offences as recommended by District Attorney. Now same is pending in the Head Office of Vigilance Bureau for further action.”

After hearing the counsel for the parties, I find no ground to grant anticipatory bail to the petitioner. As per the allegations in the

FIR, during the physical verification conducted on 24.01.2014, 1,48,851 bags of paddy weighing 52097.85 Qtl. was found short and the petitioner being In-charge has failed to account for the same and he was found responsible for not conducting the periodical verification of the stock being the milling in-charge and rather he released the bag of paddy to the miller without proper release order of the same, therefore, in view of the detailed enquiry conducted by SIT, in which it is found that the petitioner in connivance with the miller was releasing the paddy without getting the release order and was not conducting periodical physical verification of the stock, show that the petitioner intentionally and deliberately caused loss to the Corporation in conspiracy with the miller, therefore, considering the serious allegations against the petitioner, his custodial interrogation is required.

For the foregoing reasons, finding no ground, the petition fails and is accordingly dismissed.

(ARVIND SINGH SANGWAN)  
JUDGE

04.02.2019  
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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether reportable        | Yes/No |