

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-26594-2019(O&M)

Date of decision:28.11.2019

Om Parkash Garg and another

.....Petitioners

Versus

State of Haryana

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Chetan Mittal, Sr. Advocate with
Mr.Udit Garg, Advocate for the petitioners

Mr. Manish Bansal, DAG, Haryana

Mr. Deepak Balyan, Advocate for the complainant

ANIL KSHETARPAL, J.

Petitioners, partners of firm M/s Ganpati Rice and General Mills have filed the present petition under Section 438 Cr.P.C for grant of pre-arrest bail in criminal case arising from FIR No. 32 dated 5.3.2019 registered under Sections 120-B, 406, 409, 420 IPC at Police Station Siwan, District Kaithal.

As per the case of the prosecution, HAFED i.e Haryana State Cooperative Supply and Marketing Federation had in pursuance to an agreement, handed over custody of 7275 metric tonnes paddy for de-husking in the crop year 2018-19. The rice after de-husking was to be supplied but petitioners have failed to supply the entire rice and therefore, the petitioners have committed offence under Sections 120-B, 406, 409 and 420 IPC.

Rice worth approximately Rs. 5 crores is still to be supplied by

the petitioners, who are partners of the firm.

This Court has heard learned senior counsel appearing for the petitioners as well as State ably assisted by the learned counsel for the first informant.

Learned senior counsel appearing for the petitioners has submitted that the entire stock of rice was in joint custody under the watch and ward appointed by the HAFED. He further submitted that the officials conducted raid and took away better quality rice i.e steam rice from the premises of the Ganpati Rice and General Mills weighing 568 metric tonnes in between 18th to 20th April, 2019. He further pointed out that the HAFED has also verified that in M/s R.D.Rice Mills 1269 metric tonnes is still pending.

On the other hand, learned counsel for the State has pointed out that as per the inspection report the steam rice 568 metric tonnes were checked, however, thereafter petitioners moved that stock to some other secret location.

Keeping in view the facts of the case and without commenting on the merits of the case, this Court is of the considered view that petitioners are not entitled to concession of pre-arrest bail, particularly, in view of alleged misappropriation of foodgrains approximately worth Rs.5 crores.

Hence, dismissed.

28 .11. 2019

rekha

Whether speaking/reasoned

Whether Reportable

(ANIL KSHETARPAL)

JUDGE

Yes / No

Yes / No