

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

**Crl. Misc. No.M-49909 of 2019 (O&M)  
Date of Decision: November 28, 2019.**

Surender Singh

.....PETITIONER

**VERSUS**

State of Haryana

.....RESPONDENT

**CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA**

Present: Mr. Sunil Chaudhary, Advocate  
for the petitioner.

Counsel for the complainant.

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**SURINDER GUPTA, J.(Oral)**

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 37 dated 11.10.2019 registered for the offences punishable under Sections 7 of Essential Commodities Act, 1955 and (Sections 420, 467, 468, 471, 409, 201, 120-B of Indian Penal Code added later on), at Police Station Jhojhu Kalan, District Charkhi Dadri.

Heard.

Notice of motion.

On asking of the court, Mr. Munish Sharma, Asst. A.G., Haryana, who is present in the Court accepts notice and submits that intimation by Registry informing of fixation of the petition has already been received and record of the case is available with him.

The facts of the case are taken from the order passed by lower Court and reproduced as follows:

*The petitioner-accused has been arrested in the case on dated 30.10.2019, on the allegations that he was Depot Holder for supply of ration to the entitled persons against the Ration Cards. He was found supplying ration to the persons, who had already expired and several affidavits were given by the villagers that their signatures have been forged over the Distribution register. Sixteen forged Ration Cards have also been procured by the petitioner-accused and he has been showing distribution of the ration against those Sixteen Ration-Cards. He has also been having hands in gloves with the then Food and Supply Inspector, namely, Pawan Kumar Rana in misappropriation of the ration delivered to the petitioner for distribution to the deserving persons of the village. At one juncture, said Food and Supply Inspector Pawan Kumar Rana delivered eight drums of kerosene oil against the ten drums and he also used to supply wheat and other grains at less quantity. On these allegations, FIR under Section 7-10-55 of the Essential Commodities Act was registered and the petitioner-accused has been arrested in the case. During investigation, offence under Section 420, 467, 468, 471, 409 and 120B of IPC was also found made out and the same were added.*

As per case of the prosecution, the allegations against the petitioner are of taking ration against forged ration cards and ration cards of dead person.

Learned counsel for the complainant, who has put in appearance submits that petitioner has caused loss to the exchequer by taking ration in the name of fake/dead persons inconvenience with the

of serious nature.

Learned State counsel submits that a letter has been written to Director, Food & Supply Department to supply all the records relating to the ration depot of petitioner but the reply is still awaited.

The petitioner was arrested on 30.10.2019 and the investigation is still in progress. The case of prosecution is based on documentary evidence. From the submissions of learned State counsel, it is apparent that conclusion of investigation, presentation of challan in Court and trial will take considerable long time. Present petition is allowed. Petitioner-Surender Singh is ordered to be released on regular bail on his furnishing bail bond and surety bond to the satisfaction of concerned Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- a. The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- b. In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- c. He shall not leave the country without the prior permission of the Court.

**November 28, 2019**  
*Jyoti-II*

**( SURINDER GUPTA )**  
**JUDGE**

***Whether speaking/reasoned:*** ***Yes/No***

***Whether Reportable:*** ***Yes/No***