

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

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**CRM-M-6539-2020
Date of decision: 17.02.2020**

Deepak @ Deepak Kumar

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Gurpal Singh Sandhu, Advocate
for the petitioner.

Mr. Sandeep Singh Deol, D.A.G. Punjab
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

The petitioner has filed present petition under Section 438 of the Code of Criminal Procedure, 1973 (for short, "Cr.P.C") for grant of anticipatory bail in case FIR No.21 dated 31.01.2020 registered under Section 381 of the Indian Penal Code, 1860 at Police Station Lambi, District Sri Muktsar Sahib.

The above-said FIR was lodged by Ashwani Singla owner of Jagan Nath Rice Mill at village Lalbai alleging that PUNGRAIN has stored 40,000 bags of paddy in his rice mill for supply to FCI. On 29.01.2020 at about 07:30 p.m. he loaded 300 bags on tractor-trolley and parked the same in his rice mill but on the next day found the paddy bags missing from the trolley. On checking, he also found that the recording from the DVR had also been deleted. He had the suspicion that his Clerk accused-Deepak Kumar along with his companions had committed theft of above-said 300 and more paddy bags lying in the rice mill. The police investigated the case and during investigation, police arrested Jarnail Singh and Lovedeep Singh and recovered 300 bags of paddy in accordance with their disclosure statements. Apprehending his arrest the petitioner has filed present petition for grant of anticipatory bail.

Learned State Counsel has appeared on behalf of the respondent-State and opposed the bail application.

Mr. Harsh Aggarwal, Advocate has appeared and filed his power of attorney on behalf of the complainant which is taken on record.

I have heard learned Counsel for the petitioner, learned State Counsel and learned Counsel for the complainant and have gone through the record.

Learned Counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. The petitioner is merely employee in the above-said rice mill. The rice mill is covered with boundary wall fully guarded by security persons. The petitioner has been made scapegoat by the complainant to save his own skin of having defrauded PUNGRAIN. The petitioner is ready to join investigation and his custodial interrogation is not required in the case.

On the other hand learned State Counsel and learned Counsel for the complainant have argued that there are serious allegations of theft of paddy bags against the petitioner and his custodial interrogation is required in the case. The petitioner does not deserve grant of anticipatory bail. Therefore, the petition may be dismissed.

The Courts have been granted power to grant anticipatory bail to protect against motivated criminal litigation instituted at the instance of unscrupulous litigants animated by malice or political vendetta. Grant of anticipatory bail is an extra-ordinary remedy and is not, therefore, intended to be granted in every case. Number of factors including nature and gravity of the offences, quantum of sentence, likelihood of the accused absconding, intimidating or influencing the witnesses or tempering with the evidence or committing similar offences have to be taken into consideration. Socio-economic offences constitute a class apart and need to be visited with different approach in matter of bail. Since socio-economic offences have deep rooted conspiracies affecting the moral fibre of society and causing irreparable harm, the same have to be viewed seriously. Reference in this regard may be made to *State of Bihar and another Vs. Amit Kumar @ Bachaha Rai : 2017 (13) SCC 751* and *Rohit Tandon Vs. Directorate of Enforcement : 2018(11) SCC 46*.

Keeping in view the facts and circumstances of the case particularly that thorough investigation of the crime committed is required and custodial interrogation of the petitioner is necessary for proper investigation of the case, collection of material evidence and discovering the identity of the other persons involved and also keeping in view the possibility of the petitioner influencing the witnesses or tempering with evidence and also fleeing from justice, I am of the considered view that the petitioner does not deserve the concession of anticipatory bail.

In view of the above discussion, the petition being devoid of any merit and is hereby dismissed.

17.02.2020

Kothiyal

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No