

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

CRM-M-7376-2019 (O&M)

Date of Decision:- 21.1.2020

Rajiv Gupta

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. C.B.Goel, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana
assisted by ASI Sanjeev Kumar.

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of anticipatory bail in a case registered against him vide FIR No.158 dated 28.6.2018 under Sections 406/420 IPC at Police Station Chhappar, District Yamuna Nagar.
2. The FIR in question was lodged at the instance of Surender Kumar, District Food and Supplies Controller, Yamuna Nagar wherein it has been alleged that the petitioner is running a rice mill under the name and style of M/s Jai Bala Sundri Rice Mill and that he was entrusted by the Food and Supplies Controller, Yamuna Nagar with 4081 Metric Tons (in short, hereinafter referred to as 'MT') of paddy for the purpose of milling during the year 2013 and that the petitioner after shelling the same was required to entrust rice equivalent to 67 percent of the aforesaid weight. In other words, he was required to supply 2734.39 MT of rice. However, as against the said

requirement of 2724 MT, he supplied rice to the extent of 1995 MT. Thus, there was a shortfall of 739.87 MT of rice valued at ₹ 1,76,75,142/-.

3. The learned counsel for the petitioner has submitted that a false case has been lodged against the petitioner and infact even if the allegations as levelled in the FIR are taken to be correct, still at best it is a case of civil liability only and regarding which a civil suit has already been filed by the complainant - District Food and Supplies Controller, Yamuna Nagar seeking recovery of an amount of ₹ 2,42,88,584/- in the Courts at Jagadhri. The learned counsel has further submitted that in any case since the petitioner has already joined investigation, he deserves the concession of grant of anticipatory bail.
4. Opposing the petition, the learned State counsel has submitted that since it is a case of criminal breach of trust in respect of rice of a colossal amount and regarding which no justifiable explanation is forthcoming from the petitioner, who admittedly had been entrusted with 4081 MT of paddy, no special case for grant of anticipatory bail is made out. It has further been submitted that infact the petitioner is not even fully cooperating with the investigation and that the recovery of the entire rice has not been effected so far.
5. I have considered rival submissions addressed before this Court. Given the fact that entrustment of 4081 MT of paddy to the petitioner is not disputed and that as against the requirement of supplying back 2734.39 MT of rice only 1995 MT of rice had been supplied by petitioner, the allegations of usurping of 739.87 MT of rice valued at crores are prima facie established.

The petitioner has not come out with any explanation to explain said shortfall. As such, no special case for grant of anticipatory bail is made out.

6. The petition is sans any merits and is hereby dismissed.

21.1.2020

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No