

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

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CRM-M-9803-2020

Date of decision: 05.03.2020

Sunil Kumar and another**...Petitioners****Versus****State of Punjab****...Respondent****CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN**

Present:- Mr. Harish Sharma, Advocate
for the petitioners.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioners pray for grant of anticipatory bail in FIR No. 151 dated 30.08.2012, registered under Sections 406 and 120-B of the IPC at Police Station Dera Bassi, District S.A.S. Nagar.

The FIR in question was registered in August, 2012 and thereafter, the petitioners filed a quashing petition bearing CRM-M-26188-2013, in which on 12.08.2013, some direction was issued to the petitioners to appear before the Investigating Officer, however, the said petition was dismissed as withdrawn on 21.03.2014. Copy of the order dated 21.03.2014 is not annexed with this petition.

Learned counsel submits that matter is of civil nature and some arbitration proceedings are pending, however, he could not dispute that since March, 2014 till today, the petitioners have neither surrendered before the Illaqua Magistrate/trial Court nor before the Investigating Officer and they are evading their arrest.

A perusal of the FIR shows that the same is registered at the instance of District Manager, Punjab Agro, District Mohali on the basis of a

physical verification report pertaining to the years 2010-11, vide which a huge shortage of paddy, which was entrusted to the petitioners, was found and as per inquiry report, the petitioners have neither accounted for 46136 bags of paddy, weighing 16147.60 quintals, whose market value at that time was Rs. 2,16,97,544/- i.e. @ Rs. 2005.685 per quintal.

Learned counsel further submits that the petitioners have deposited Rs. 50,00,000/- before the police, however, there is nothing on record to explain the delay in filing the present petition after a gap of about six years when the quashing petition was dismissed as withdrawn.

After hearing learned counsel for the petitioner, I find no ground to grant anticipatory bail to the petitioner.

Merely that some arbitration proceedings are pending or the petitioners have filed a suit, nowhere dispels the inquiry report that an amount of more than two crores was outstanding towards the petitioners as the petitioners have failed to account for the paddy which they received for the purpose of milling and have not returned back the same to the complainant. Moreover, the petitioners are evading their arrest for the last more than six years.

Accordingly, the present petition is dismissed.

05.03.2020

Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No