

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

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IN VIRTUAL COURT

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CRM-M No. 20105 of 2020

Date of decision : 23.7.2020

Santosh Yadav

.....Petitioner

Vs.

State of Haryana

.....Respondent

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. M.K. Tewari, Advocate, for the petitioner

Rajbir Sehrawat, J. (Oral)

The present petition has been filed by the petitioner under Section 438 Cr.P.C for grant of anticipatory bail in case FIR No. 140 dated 3.4.2020, registered under Sections 7/10 of Essential Commodities Act, 1955, at Police Station Saran, District Faridabad.

It is contended by the counsel for the petitioner that the petitioner has been running a Public Distribution Depot for the past several years. There has been no complaint against him so far. During the COVID-19 pandemic situation, the petitioner was asked to distribute the ration to the public. The entire ration was duly distributed. The entries of that distributed material were manually entered in the register. However, due to the overload, the bio-metric details on POS Machine could not be entered at that time. In any case, the alleged shortage found by the Inspector, at the time of physical verification is about 51 quintals of wheat and 6 Kg. of sugar. The petitioner is ready to deposit the amount of this shortage as well. There is no other case against the petitioner.

Notice of motion.

Mr. Amit Aggarwal, DAG, Haryana, accepts notice on behalf of the State.

The counsel for the State submits that the petitioner has committed a heinous crime by committing bungling in the ration at the time of public difficulties. The shortage of more than 50 quintals of wheat and some sugar was found at the time of physical verification. This quantity has been embezzled by the petitioner.

As response to this, the counsel for the petitioner has reiterated that the petitioner would deposit the value of the shortage material with the Departmental authorities, within a period of 2 weeks from today.

In view of the above, the present petition is allowed. In the event of arrest, the petitioner shall be released on bail by the Arresting/Investigating Officer, subject to the petitioner depositing the value of the shortage material, as fixed by the Department, within a period of 2 weeks from today. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

It is further clarified that the petitioner shall be released on interim bail in the first instance and he shall be released on bail by the Investigating Officer finally only when he produces the proof of having deposited the money with the departmental authorities within the period mentioned above.

Still further, the department officials are directed to fix the value of shortage material within one week from today and intimate the same to the petitioner.

(RAJBIR SEHRAWAT)
JUDGE

23.7.2020

Ashwani
ASHWANI KUMAR
2020.07.23 17:15
I attest to the accuracy and
integrity of this document

Speaking/Reasoned : Yes/No
Reportable : Yes/No