

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

(Heard through VC)

CRM-M-32418 of 2020 (O&M)
Date of Decision: October 13, 2020

Rajeev Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. R.S. Mamli, Advocate
for the petitioner.

Ms. Deepshikha Chauhan, AAG Haryana.

Mr. Gautam Dutt, Advocate with
Mr. Sahil Goel, Advocate
for the complainant.

JAISHREE THAKUR, J. (Oral)

1. The instant petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.235 dated 29.09.2020, registered under Sections 406, 408, 420, 506, 120-B of Indian Penal Code at Police Station Saha, District Ambala.

2. Counsel for the petitioner would contend that the petitioner herein has been falsely implicated in the present case, as the allegations as set out in the FIR are not sustainable. It is submitted that the petitioner, who is owner of Raju Dairy, is supplying milk to Mansa Dairy and not to

the complainant, as such, the petitioner has no concern with the complainant. It is also argued that the weighing machine/Dharam Kanta is of the company of the complainant and the employees on the Dharam Kanta are also of the company and the milk was being measured by the company employees themselves. It is also contended that no recovery is to be effected from the petitioner and he is ready to join the investigation.

3. Notice of motion. Ms. Deepshikha Chauhan, AAG Haryana, who is appearing through the medium of video conferencing, accepts notice on behalf of the respondent-State. Similarly, Mr. Gautam Dutt, Advocate accepts notice on behalf of the complainant.

4. Counsel appearing on behalf of the respondent-State as well as complainant would submit that the difference was noticed in the ready milk and the purchased milk and it was found that the complainant had been cheated to the tune of ₹ 29,64,325/- by supplying less quantity of the milk by the petitioner.

5. I have heard counsel for the parties and have gone through the pleadings of the case.

6. As per the FIR, the company of the complainant had noticed differences in the quantity of the products because the quantity which was prepared was not equal to the quantity of final products and due to this reason, the company was suffering losses. On 27.09.2020, the petitioner herein had supplied milk to the company of the complainant through vehicles bearing No.HR37-E-4699 and HR37-E-9176. After testing the sample of the milk in the laboratory, the vehicles were weighed at Dharam Kanta. On weighing vehicle No.HR37-E-4699, difference of 640 kg of milk

was found and on this, the petitioner ran away from the spot while taking the key of vehicle No.HR37-E-9176. It is alleged by the complainant that security person and other employees of the company were involved in this conspiracy with the petitioner. It is yet to be unearthed as to who were involved in the conspiracy with the petitioner, for which custodial interrogation is certainly required. Under these circumstances, once custodial interrogation of the petitioner is required for a result oriented investigation, this court is not inclined to grant anticipatory bail to the petitioner.

7. In view of the above, the instant petition is hereby dismissed.

October 13, 2020
vijay saini

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No