

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-19104-2020 (O&M)
Date of Decision:-12.11.2021

Gurpreet Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. R.K. Girdhar, Advocate for the petitioner.

Mr. Harbir Sandhu, AAG, Punjab,
assisted by ASI Baj Singh.

Mr. N.S. Chahal, Advocate for the complainant.

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered vide FIR No.131 dated 25.6.2020 at Police Station Kotbhai, District Sri Muktsar Sahib under Sections 406 and 420 of Indian Penal Code.
2. The allegations are broadly to the effect that the government had floated a scheme for providing agricultural implements to farmers on subsidized rates and that the petitioner, who is a supplier of agricultural implements, had committed a fraud by claiming subsidy though he had not supplied agricultural implements and had merely supplied photographs of the agricultural implements to the government.

3. At the time of issuance of notice of motion on 23.9.2020, the following order was passed:

“The petitioner prays for grant of pre-arrest bail in a criminal case arising from FIR No.131 dated 25.06.2020 registered under Sections 406/420 of the Indian Penal Code, 1860, at Police Station Kotbhai, District Sri Muktsar Sahib.

As per case of the prosecution, the petitioner after receiving the amount, has failed to supply agricultural implements on which some subsidy is also payable by the government.

Pursuant to the notice, 2 status reports have been filed by the Deputy Superintendent of Police. Para 4 of the status report dated 18.09.2020 reads as under:-

“4. That in compliance of order dated 10.08.2020 passed by this Hon'ble High Court, statement of Shri Bhagat Singh, Deputy Agricultural Examiner, Block, Gidderbaha was examined by ASI Jagdish Singh of Police Station Kotbhai on 20.08.2020. On 06.10.2019 Shri Bhagat Singh, Deputy Agricultural Examiner, Block, Gidderbaha along with Shri Jagdeep Singh, Agriculture Development Officer and Shri Jatinderpal Singh, Agricultural Development Officer, Block Gidderbaha verified the Agricultural Implements under Crop Residue Management in SEETU Scheme. The aforesaid persons went to the house of Shri Lakhvir Singh son of Darshan Singh, President of Brar Ekta Swai Sahiata Group, village Mallan. The other members of the group were also present in the house of Shri Lakhvir Singh, president. Spot inspection was conducted by the said team. One paddy chopper machine, two zero drill machines, one rotary Slacer machine were found present at the spot. Then the bills issued by the firm were also checked by the said team and the same were found to be issued accordingly. Departmental Code bearing GSTU

353 was engraved on all the above Said Agricultural implements and the photographs were also clicked at the spot. The photographs were uploaded on C.H.C. Farm Machinery App. The bills were verified and were sent to Chief Agricultural Officer, Sri Muktsar Sahib through Assistant Cotton Development Officer, Gidderbaha. On 18.11.2019 Shri Bhagat Singh along with the above named officials of Agricultural Office, Block, Gidderbaha also verified the agricultural implements in the house of Amarjit Singh son of Pritam Singh, resident of village Mallan being the president of Comi Agri Self Help Group, Mallan. Similarly, verification was also conducted by the said team of the office of Agricultural Office, Block Gidderbaha on 22.11.2019 in village Mallan of Kisan Ekta Group, Mallan in the house of Gurpreet Singh son of Baltej Singh, Kauni Road, Village Mallan president of the said group. Statements of the other team members namely Shri Jagdeep Singh, Agriculture Development Officer, Block Gidderbaha and Shri Jatinderpal Singh Dhiloon, Agricultural Development Officer, Block, Gidderbaha were also recorded under Section 161 of Cr.P.C. by ASI Jagdish Singh.

Keeping in view the aforesaid facts, let the petitioner join the investigation.

Adjourned to 03.10.2020.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. 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.”

4. Learned State counsel, upon instructions from the Investigating Officer, has informed that the petitioner has joined investigation and although some implements were found to have been given to the farmers but some were found to be short and that an amount of ₹5 lakhs is yet to be recovered.
5. I have considered rival submissions addressed before this Court.
6. Having regard to the facts and circumstances of the case and also the report of Deputy Superintendent of Police as has been noticed in order dated 23.9.2020, this Court is of the opinion that the petitioner cannot be declined the relief of bail on the ground that all the implements have not been recovered or that some amount is yet to be recovered. In any case, the interim bail granted to the petitioner way back in September 2020 and there is no such allegation that the petitioner has otherwise misused the concession of interim bail. In these circumstances, the petition is accepted and the interim directions issued by this Court vide order dated 23.9.2020 are hereby made absolute, subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.

12.11.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No