

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

CRM-M-18285 of 2019

DECIDED ON: 14th JULY, 2021

Rahul Kumar @ Rahul Mittal and another

.....PETITIONERS

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. AGS Dhillon, Advocate for petitioners.

Ms. Monika Jalota, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This petition is filed for grant of anticipatory bail in case of FIR No.149 dated 13.8.2017 under Sections 409, 420, 120-B IPC and Section 13(1) read with Section 13 (2) of the Prevention of Corruption Act, 1988 (added later on), registered at Police Station Samana, District Patiala.

Notice of motion was issued by this Court. Thereafter on 17.12.2019, following order was passed:

"Learned senior counsel for the petitioners relies upon the order dated 23.10.2019 passed in CRM-M-3794-2019, vide which co-accused Manjinder Singh Virk was granted the concession of anticipatory bail. The operative part of the order reads as under: -

"...The FIR was registered on the complaint dated 20.05.2017 of District Manager Pungrain Patiala to SSP Patiala alleging that there was shortage of wheat stocks at various godowns of the Pungrain situated at Samana Centre, District Patiala.

The petitioner had filed CRM-M-33566 of 2017 seeking anticipatory bail. The contention of the petitioner in that petition was that shortage of wheat had been detected at the instance of the petitioner. It was stated that the petitioner had joined as Assistant Food and Supplies Officer at Samana on 07.10.2015. Immediately, thereafter, he wrote to the Inspector, Food and Civil Supplies, Incharge of the wheat stock for getting the physical verification of the stock conducted but no action was taken by the latter. Therefore, he communicated to the District Controller, Food & Civil Supplies Department, Patiala and the Deputy Director, Food & Civil Supplies, Patiala and even Director, Food & Civil Supplies, Chandigarh. Finally, on instructions of the senior officers, verification of the stock was got conducted through the petitioner and the DFS on 20.11.2015. Some shortage of stock was detected. Subsequently, three more physical verifications were conducted in which further shortage indifferent godowns was detected. It was his contention that the Inspector and Chowkidar of the godowns were responsible for the wheat stock in the godown and no liability could be fixed on the petitioner.

Considering his contention, vide order dated 15.9.2017, the petitioner was granted interim anticipatory bail and he was directed to join investigation. Petitioner thereafter joined the investigation and vide order dated 14.11.2017, interim bail granted to the petitioner was made absolute. Thereafter the offence under Section 13(1) (d) read with Section 13(2) of the PC Act has been added and the petitioner filed the present petition. Vide order dated 14.2.2019, the petitioner was granted interim anticipatory bail and directed to join investigation. Thereafter, the petitioner has joined investigation on more than one occasion. The respondents however contend that he is not cooperating in the investigation.

Considering that the petitioner had already been granted interim bail which was made absolute in CRM-M-33566 of 2017 and he has joined further investigation after addition of some more sections, the order dated 14.02.2019 is made absolute, subject to the conditions envisaged under Section 438(2) Cr.P.C...”

Learned senior counsel for the petitioners has argued that even subsequently, in an inquiry conducted by the Superintendent of Police (HQ), Patiala, the petitioners stand exonerated.

Learned State counsel, on instructions from Inspector Pritpal Singh, submits that though the petitioners have joined the investigation, however, they are still required for further investigation.

List again on 02.03.2020.

The petitioners are again directed to appear before the Investigating Officer on 23.12.2019 at 10.00 a.m. or any other date or time as fixed by him, to join the investigation and cooperate with the investigating agency.

Interim order to continue."

On 2.3.2020, the petitioners were again directed to respond to the questionnaires submitted by the Investigating Officer.

Learned State counsel on instructions from DSP Satpal Singh submits that the petitioners have joined investigation and are co-operating.

As no custodial interrogation is needed, the interim bail granted on 17.12.2019 is made absolute.

Disposed of accordingly.

(AVNEESH JHINGAN)
JUDGE

14th JULY, 2021

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>