

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

CRM-M-29447 of 2021

Date of Decision: 06.09.2021

Satish

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARINDER SINGH SIDHU

Present: Mr. Akshit Aggarwal, Advocate for the petitioner.

HARINDER SINGH SIDHU, J

Prayer is for grant of anticipatory bail in case FIR No.262 dated 26.10.2020 under Sections 406 IPC registered at Police Station Chappar, District Yamuna Nagar at Jagadhri.

FIR was registered on the complaint of Assistant Food and Supply Officer, Jagadhri, wherein it is alleged that the Department had executed an agreement for shelling of paddy with M/s Desh Raj Rice Mill, Bhamboli, the firm belonging to the petitioner, for the crop of Kharif 2019-20. For this purpose, 81276.70 quintal paddy was allotted to the Rice Mill by the Food Department. On physical checking, 300 quintal was found less and amount of the said loss was got deposited by Rice Miller. As per agreement, out of 80946.70 quintal paddy crop, 54234.29 quintal rice was to be deposited with Bhartiya Khadya Nigam by the petitioner. However, till 15.10.2020 only 27252.51 quintal rice was delivered and 26981.78 quintal still remained to be delivered. Despite repeated requests and the communications, the shortfall was not made good. It is alleged that the approximate value of undelivered rice is Rs.9,80,12,270/-.

Learned counsel for the petitioner contends that the complainant-Department has already initiated recovery proceedings against the petitioner vide which the land, building, plant and machinery belonging

to the petitioner worth over Rs.20 crores has already been attached and the process of auctioning the same so as to recover the outstanding dues is under way. He further states that the department has already encashed fixed deposit of Rs.15,00,000/- deposited by the petitioner at the time of entering into the agreement. He contends that the matter, which is purely of civil nature, is being given criminal colour.

As is evident from the record that there are direct allegations that the petitioner was allocated 81276.70 quintal paddy by the Department. The petitioner is alleged to have misappropriated 26981.78 quintal rice, the approximate value of which is Rs.9,80,12,270/- and caused a huge loss to the public exchequer.

The custom milled rice is meant for use in the Public Distribution System and various schemes for the benefit of the most marginalized and vulnerable sections of society including Below Poverty Line families, pregnant women and children.

It is a component of the nation's efforts to eliminate hunger and malnourishment. Such offences as the present are committed for personal profit disregarding the well-being of the society causing huge loss to public exchequer.

Taking into consideration the seriousness of allegation of misappropriation of about 9 crores worth Rice, no ground is made out for grant of anticipatory bail to the petitioner.

Dismissed.

September 06, 2021
manoj

(Harinder Singh Sidhu)
Judge

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No