

Sandeep KumarPetitioner

Vs.

State of PunjabRespondent

CORAM : HON'BLE MR.JUSTICE AMOL RATTAN SINGH

Present: Mr. G.P.S.Bal, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab.

Mr. Kamal Narula, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (Oral)

Case heard *via* video conference.

By this petition, the petitioner seeks the concession of 'anticipatory bail' under the provisions of Section 438 Cr.P.C., upon FIR No.104, dated 18.06.2021, having been registered at Police Station City, Fazilka, alleging therein the commission of an offence punishable under the provisions of Sections 420 of the IPC.

The counter affidavit filed by the petitioner in response to the affidavit of the DSP, Sub Division Fazilka, dated 12.12.2021, is ordered to be taken on record.

The additional submissions made by the petitioner as contained in CRM-40144-2021, are also ordered to be taken on record.

A very detailed order having been passed by this court on 21.12.2021, an affidavit of the SSP, Fazilka, dated 11.01.2022, is on record, in response thereto.

In the said affidavit it has been stated that as regards the standard operating procedures as have been referred to by this court in detail on 21.12.2021, they came into effect (in the Department of Food and Civil Supplies, Punjab), only in the year 2019, whereas the addition of names in the ration card of one Asha Rani, took place in the years 2015-2016, and all the names being of immediate relatives of the petitioner (and one friend of his brother-in-law), and with the aforesaid Asha Rani being a servant in the house of the petitioners' brother-in-law, in fact it was the petitioner who was responsible for having misled the department into getting those names added, with the verification carried out at a much later date only because of the rush of work, as computerisation was being done/updated in the year 2015-2016.

Upon this court having thus put a question to Mr.Bal as to why anybody else would be interested in getting the names of the petitioners' immediate relatives entered into a ration card of the aforesaid Asha Rani, falling within the area of control of the petitioners' depot, he submits that the petitioner has been a municipal councilor for the opposition party for the past more than 10 years and it is only to get the petitioner involved in a criminal case that those names were added in the name of a household servant who worked with him/his brother-in-law; and even today the respondent State has not produced any application form which would show that any of those persons whose names were entered, had ever applied for the names to be so entered.

Mr.Bal has also pointed out that the total amount allegedly embezzled, as per the communication dated 29.10.2020 from the Inspector to the DFSC (Annexure A-9 with CRM-40144-2021), is Rs.11,227.20/- and for that much amount the petitioner, being a municipal councilor, would not risk

his reputation etc.

Mr.Narula, learned counsel for the complainant, on the other hand reiterates that with all persons whose names were entered, being the petitioners' relatives and he being the depot holder, it is very obvious that it was he alone who was interested in granting them an undue benefit.

Learned State counsel reiterates the above and further submits that as regards absence of the application forms of the petitioners' relatives etc., the work was being done by directly entering names into the computers through data entry operators, with a depot holder himself giving the names to the data entry operators due to the rush of work.

Without making any comment on the correctness of the contentions raised on either side, taking the entire circumstances of the case in view, I do not think this is a case where the petitioner should be denied the concession of 'anticipatory bail' and consequently, the earlier order passed admitting him to interim bail is made absolute, on the same terms and conditions.

However, it is again made clear that nothing stated in any orders passed by this court would affect the merits of the case, with the investigation to be taken to its logical conclusion as per evidence gathered and with the competent court to thereafter appraise such evidence wholly on its merits.

February 28, 2022

dharamvir//

**(AMOL RATTAN SINGH)
JUDGE**

Whether speaking/reasoned : YES
Whether Reportable : YES