

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

DECIDED ON: 17th February, 2022

(1) CRM-M-42503 of 2021

Rajeshwar Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

(2) CRM-M-46639 of 2021 (O&M)

Bhupinder Singh

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

(3) CRM-M-45238 of 2021

Vikas Sethi

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. N.S. Shekhawat, Senior Advocate with
Mr. T.S. Grewal, Advocate with
Mr. M.K. Dhot, Advocate for petitioners.

Mr. Sandeep Kumar, DAG Punjab.

AVNEESH JHINGAN, J (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

These three petitions under Section 438 Cr.P.C. are filed seeking anticipatory bail in case of FIR No.228 dated 7.8.2021, under Sections 409 and 120-B IPC and Section 13(2) of Prevention of Corruption Act, 1988 as amended by (Amendment) Act, 2018, registered at Police Station Sultanpur Lodhi, District Kapurthala by Bhupinder Singh, Rajeshwar Singh and Vikas Sethi, posted as Inspectors in Food and Supply Department,

The brief facts of the case are that an application was sent by District Controller, Food and Supply Department dated 26.3.2021 to Senior Superintendent of Police, Kapurthala, regarding shortage of wheat and food grains not being given for Public Distribution Services (PDS). On receiving the complaint, Department constituted a Committee. Vivek Sharma, Bhupinder Singh, Rajeshwar Singh and Vikas Sethi were performing duty of procuring wheat from the mandis allocated to them, to send the procured grain to FCI and also to issue wheat to the depots for public distribution. They were posted at Sultanpur Lodhi Center during period relevant for complaints. The *modus-operandi* was that entry was uploaded on the portal showing issuance of wheat to the depots but actually the wheat was not supplied. In some cases, only slips were issued to the beneficiaries and not the wheat. The committee recorded the statements of Vigilance Committee/Gram Panchayat and Depot holders. The President of Depot Holders Association apprised the committee that beneficiaries were given slips but Inspectors had not issued wheat despite repeated requests. Rajeshwar Singh, Bhupinder Singh and Vikas Sethi were posted from October 2020 to March 2021 at Sultanpur Lodhi and following distribution work was done during the period October 2020 to March 2021 by the petitioners.

Name of Petitioner	Distribution work
Bhupinder Singh	Inspector Bhupinder Singhi's duty at centre Talwandi Chaudhriya block Sultanpur Lodhi was to distribute the subsidized wheat to NFSA Beneficiaries Under NFSA Act 2013.During the period of Oct-2020 to Mar-2021. Quantity of 5523.62 QTLs wheat was dispatched from Government Portal online to the poor

	CRM-M-42503 of 2021 and other connected cases -3- families. But physically only 332.40 QTLs wheat was distributed amongst beneficiaries and remaining 5191.22 QTLs wheat could not be traced during departmental enquiry. It is worth mentioning that during the inspection carried out by the district office on 21/06/2021 at Kheda Open Plinth (whose custodian was Inspector Bhupinder singh), an additional 9109.53 QTLs of Government wheat was also found short from the Godown. Therefore a total shortage of 14300.75 QTLs of wheat associated with inspector bhupinder singh was observed during the departmental inquiry. So the total value of wheat found short is 3,56,49,624/-(Three Crore fifty six lac forty nine thousand six hundred and twenty four rupees
Vikas Sethi	Inspector Vikas Sethi's duty at centre Sultanpur Lodhi was to distribute the subsidized wheat to NFSA Beneficiaries Under NFSA Act 2013. During the period of Oct -2020 to Mar -2021. Quantity of 2640.40 QTLs wheat was dispatched from Government Portal online. But physically only 417.90 QTLs wheat was distributed amongst beneficiaries and remaining 2222.50 QTLs wheat could not be traced during departmental enquiry.
Rajeshwar Singh	Inspector Rajeshwar Singh's duty at centre Sultanpur Lodhi was to distribute the subsidized wheat to the NFSA Beneficiaries Under NFSA Act 2013. During the period of Oct-2020 to Mar-2021. Quantity of 4070.40 QTLs wheat was dispatched from Government Portal online. But physically only 794.60 QTLs wheat was distributed to the amongst beneficiaries and remaining 3275.80 QTLs wheat could not be traced during departmental enquiry.

Learned Senior counsel appearing for petitioner Bhupinder Singh submits that there is no allegation of any pilferage of food grains procured and supplied to FCI. As per the case set up the wheat meant for PDS was misappropriated. The contention is that Vivek Sharma, co-accused had to procure the wheat from Dalla Mandi and it was meant for distribution in PDS scheme, the said wheat was misappropriated. It is further argued that the petitioners uploaded entry on the portal and issued slips but they were not given physical possession of the wheat by co-accused Vivek Sharma.

Mr. M.K. Dhot, Advocate appearing for petitioner-Vikas Sethi, adopts the contention raised by learned Senior Counsel. Mr. M.K. Dhot, Advocate appearing on behalf of Mr. Lalit Mohan Barara, Advocate for petitioner-Rajeshwar Singh submits that Rajeshwar Singh-petitioner informed the department vide letter dated 19.5.2021 of non-issuance of wheat by the co-accused.

Learned State counsel opposes the prayer and submits that it is a huge scam, custody of the petitioners is necessary. The *modus-operandi* and specific role played by each of the accused needs to be determined. It is further argued that petitioners had not handed over records to the committee for verification of the complaints. He submits that the petitioners are well aware of the working procedure of the Department and online uploading of entries on portal, there is apprehension of evidence being tampered with. It is further argued that the wheat stored in plinth was of bad quality, the wheat was having flour formation and even the wheat which was distributed was not upto the mark.

The nature of allegations and gravity of offence in the present case are serious. The basic necessity for human i.e. food grain was not released for public distribution and was siphoned off. At this stage, there is an attempt to put the entire burden on the co-accused Vivek Sharma. Without making any comments on the merits of the case, *suffice-to-say* that entries on portals were uploaded by the petitioners, no complaint with regard to non-issuance of wheat was made by the petitioners to the Department. Even reporting by Rajeshwar Singh vide letter dated 19.5.2021 was much after the inspection. As per the pleadings in the reply, the relevant records were not handed over to the inspecting team by the concerned Inspectors. Deeper probe required, would not be possible if the petitioners are clothed with protection of pre-arrest bail.

Dismissed.

Photocopy of this order be placed on the files of connected cases.

17th February, 2022

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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>