

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

CRM-M-45304-2021 (O&M)
Date of Decision:-8.2.2022

Amit Kumar

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Sahil Gambhir, Advocate for the petitioner.

Mr. Anmol Singh Sandhu, AAG, Punjab.

(proceedings conducted through video conferencing)

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.155 dated 30.7.2021, Police Station City Rupnagar under Sections 407, 379, 411 and 34 of Indian Penal Code.
2. The FIR in question was lodged at the instance of Gurnam Singh, Assistant Grade-I, Depot Incharge, FCI, Shri Chamkaur Sahib. It is alleged that on 30.7.2021 wheat belonging to government (Warehouse Department) was to be transported from Shri Chamkaur Sahib to Special Railway Head, Rupnagar and for the said purpose trucks from Transport Union, Shri Chamkaur Sahib had been requisitioned. Each of the said trucks were loaded with 360 bags of wheat (each weighing 50 kilograms), which were duly checked by Shir Arjit Kumar, Assistant Grade-II. It is further alleged that

later one truck bearing registration No.PB-12E-8052 driven by an unknown driver was found parked in the area of Village Sukhrampur Tabria near Sirhind Canal in the bushes and upon search of the same about 100 bags of wheat were found loaded in the same. However, the truck driver fled away from the spot.

3. It is further the case of prosecution that upon thorough checking, it was found that 110 bags were there in the truck in question, which were bearing logo of Punjab Government. The recovered truck was found to be registered in the name of Shiv Kumar son of Anil Kumar. The police conducted raid on the house of aforesaid Shiv Kumar but he could not be traced.
4. It is further the case of prosecution that during investigation, it transpired that truck bearing registration No.PB-12E-8052 had never been allotted any wheat by FCI from Gobind Rice Mill, Dehar and that the truck driver of truck bearing registration No.PB-12E-8052, in connivance with driver of truck bearing registration No.PB-12-J-3169, in which 360 bags of government wheat had been loaded, had unloaded 110 bags from truck bearing registration No.PB-12-J-3169 and loaded them in truck bearing registration No.PB-12E-8052, for the purpose of selling the same and pocketing the sale-proceeds. It is the case of prosecution that at the time of unloading the truck bearing registration No.PB-12-J-3169 at Railway Head, Rupnagar, the said truck was found to contain only 250 bags of wheat instead of 360. In other words, 110 bags of wheat were found deficient in truck bearing registration No.PB-12-J-3169. The truck bearing registration No.PB-12-J-3169, which had been hired through Transport Union for the purpose of transporting 360 bags of wheat was found to be registered in the name of Daljit Singh.

5. Learned counsel for the petitioner has submitted that the petitioner has falsely been implicated in the present case and that it was on account of the fact that there was heavy rain and slush that his truck was stranded and that it cannot be said to be a case of any kind of misappropriation of wheat. Learned counsel has further submitted that since the owner of truck bearing registration No.PB-12E-8052 namely Shiv Kumar Verma, has already been granted anticipatory bail, the petitioner also deserves the same concession on grounds of parity.
6. On the other hand, learned State counsel has submitted that the truck bearing registration No.PB-12E-8052 was never hired or provided to the FCI Authorities for the purpose of transportation of wheat and that it is truck bearing registration No.PB-12-J-3169 alongwith some other trucks, which had been provided to FCI by the Transport Union. Learned counsel has further submitted that, in these circumstances, the presence of 110 bags in the truck being driven by the petitioner, which he later on abandoned and fled away from the spot would clearly show complicity of the petitioner.
7. I have considered rival submissions addressed before this Court.
8. It is evident that the truck being driven by the petitioner i.e. PB-12E-8052 had never been hired by the FCI Authorities through Transport Union for the purpose of transportation of wheat bags to the Railway Head, Rupnagar. The recovery of 110 bags of wheat bearing logo of Punjab Government from the truck in question leaves much to be explained on part of the petitioner particularly when another truck bearing registration No.PB-12-J-3169 owned by Daljit Singh was found to be having 250 bags of wheat only though 360 bags of wheat had been loaded in the same. The petitioner cannot claim any

parity with the case of co-accused Shiv Kumar Verma, who had been granted bail as said Shiv Kumar Verma, who although an owner of the truck in question was neither driving the truck nor was sitting in the truck and, as such, it is the petitioner-driver, who has to be attributed the conscious possession of the wheat bags, which were bearing the logo of Punjab Government and which apparently had been loaded in truck in a clandestine manner.

9. In view of the aforesaid discussion, this Court does not find any special case for grant of anticipatory bail. Rather custodial interrogation of the petitioner would be necessary to find out as to whether there is involvement of some other persons also in the scam. The petition is sans merit and the same is hereby dismissed.

8.2.2022

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No