

203

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-50515-2022

Date of Decision: 10.11.2022

MANOJ MITTAL

..... Petitioner

Versus

STATE OF PUNJAB

..... Respondent

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr. R.V.S. Chug, Advocate
for the petitioner.

Mr. J.P. Ratra, Sr. DAG, Punjab.

JAGMOHAN BANSAL, J. (Oral)

Through instant petition under Section 439 of Code of Criminal Code, 1973, the petitioner is seeking bail in FIR No.0039 dated 20.06.2022, registered at Police Station Ghagga District Patiala under Sections 406, 409 and 120-B of IPC.

Case of prosecution is that Central Vigilance Committee of Punjab Food Civil Supplies and Consumers Affairs Department, conducted stock verification of wheat stored in 12 godowns of PUNGRAIN located at Ghagga and Pattran Centres. The physical verification was conducted from 14.06.2022 to 15.06.2022 and during stock verification 37200 bags of wheat each weighing 50 kgs were found short apart from shortage of 950 bales of jute. Out of shortage of 37200 bags of wheat, shortage of 18583 bags related to Ghagga Centre. On the complaint of Dr. Davinder Kaur, District Manager, PUNGRAIN, Patiala aforestated FIR was registered against incharge of the Ghagga and Pattran Centres. It has been alleged in the FIR that petitioner-Manoj

Mittal incharge of the godown accompanied CVC teams while conducting physical verification of stock, however, he refused to sign physical verification reports and other documents.

Learned counsel for the petitioner contended that physical verification was conducted by CVC on 30.09.2021 and no shortage was found. During physical verification wheat chunks were counted on estimates and team further did not count wheat lying in loose form. There was actually no shortage of wheat. No site plan was prepared indicating as to how many chunks were found in countable position and how many were uncountable. No videography and photography was conducted by CVC. There is allegation of loss of crores, however, report of CVC has not pointed out exact financial loss to the Government.

During investigation Tarlok Sharma, Ajay Kumar and Siou Pal who are private commission agents were also nominated as accused in the case. Learned Additional Sessions Judge, Patiala vide order dated 04.08.2022 (Annexures P-3 to P-5) has granted concession of anticipatory bail to all of them. The petitioner is 36 years old and is not involved in any other case except FIR No.162 dated 28.06.2022 which is based upon same physical verification conducted by CVC as is foundation of present FIR. The police has already filed its report under Section 173 Cr.P.C and conclusion of trial would take quite long time and petitioner is in custody since 04.07.2022.

Learned State counsel filed custody certificate dated 04.11.2022 which discloses that petitioner has already suffered incarceration of 03 months and 29 days. He further submits that another FIR No.162 dated 20.06.2022 is also pending against the petitioner.

In view of the fact that question of shortage of stock is a disputed question, petitioner has already suffered incarceration of 4 months, the petitioner is an employee of State Govt., he is not having criminal antecedent, conclusion of trial would take quite some long time, the petition deserves to be allowed.

Accordingly, the petition is allowed and the petitioner is directed to be released on bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, concerned.

If the petitioner or his family members/associates make any attempt to threat/intimidate the witnesses in the present case, the State would be at liberty to move an application for cancellation of bail granted by this order.

(JAGMOHAN BANSAL)

JUDGE

10.11.2022

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