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

**CRM-M-26198-2021
Date of Decision: 19.07.2023**

Rambhaj Jain

..... Petitioner

Versus

State of Haryana and another

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Keshav Pratap Singh, Advocate,
for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

Mr. Pankaj Kundra, Advocate for
Mr. Deepak Sabharwal, Advocate,
for respondent No.2.

JASGURPREET SINGH PURI, J. (ORAL)

1. The present petition has been filed under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail to the petitioner in FIR No.623, dated 28.07.2020, under Sections 406 & 420 IPC registered at Police Station Model Town, Panipat, District Panipat.

2. It is submitted by learned counsel for the petitioner that in pursuance of the order dated 04.04.2022, the petitioner has already joined the investigation and he has fully cooperated with the investigation process, and therefore, has prayed that the aforesaid interim order may be made absolute.

3. Learned counsel for the petitioner has submitted that the allegations against the petitioner were on the basis of complaint lodged by respondent No.2-HAFED by alleging that 5700 metric ton of paddy was allotted to the petitioner and the petitioner had supplied only 1919 metric ton of milled rice. He also submitted that further allegations against the petitioner

were that he had misappropriated the paddy and had sold this to somebody else but it is a case where prior to the registration of FIR, the premises of the company of which the petitioner was Director, was inspected twice by the HAFED. Firstly, it was inspected on 15.12.2019 and thereafter, it was inspected on 15.03.2020. He further submitted that during inspection, no fault was found at the time of the first inspection. However, in the meantime, the company of which the petitioner was Director had gone into insolvency and the possession was taken over by the IRP on 15.12.2019. He submitted that although it has been so stated by the State and by the learned counsel for respondent No.2 that IRP did not take the possession of the paddy but it was only the premises which was taken into possession but the fact remains that the present FIR is of the year 2020 and now the petitioner has already joined the investigation and the company has already become insolvent and therefore, has prayed that the aforesaid interim order may be made absolute. He also submitted that even otherwise also the arbitration which was sought to be invoked by the petitioner but the same could not become fruitful in view of the fact that the company itself had become insolvent.

4. On the other hand, Mr. Naveen Kumar Sheoran, learned Deputy Advocate General, Haryana on instructions has stated that in pursuance of order dated 04.04.2022, the petitioner has already joined the investigation. He has however objected to the confirmation of the interim anticipatory bail on the ground that recovery is yet to be effected from the petitioner.

5. Mr. Pankaj Kundra, Advocate has caused appearance on behalf of Mr. Deepak Sabharwal, learned counsel for respondent No.2-HAFED has submitted that even if the petitioner has joined the investigation, he is bound to

give back the paddy which was entrusted upon him by the HAFED.

6. I have heard the learned counsel for the parties.

7. Admittedly, the petitioner has already joined the investigation. The disputed paddy is of the year 2019 which is already more than three years ago. The physical inspection has been conducted as according to the learned counsel for the petitioner but during the course of arguments, the learned counsel for the HAFED has disputed the date of inspection and has stated that during the inspection, stock was found deficient.

8. This Court is of the view that the subject matter of the paddy was of the year 2019 which is more than three years old and as per the learned counsel for the parties, the IRP has taken over the premises although it has been so disputed by the learned counsel for the HAFED by stating that the stock was not taken into possession by the IRP but for the purpose of considering the prayer of the petitioner only for grant of anticipatory bail and considering the fact that he has already joined investigation, this Court deems it fit and proper to confirm the interim anticipatory bail earlier granted to the petitioner.

9. Consequently, the present petition is allowed and the order dated 04.04.2022 is hereby made absolute.

10. However, the petitioner shall continue to join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

19.07.2023

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

1. Whether speaking/reasoned:	Yes/No
2. Whether reportable:	Yes/No