

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-958-2024

Date of decision: 10.01.2024

Karamjit Singh

... Petitioner

VS.

State of Punjab

... Respondent

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL

Present: Mr. SS Bhinder, Advocate,
Mr. DS Bhinder, Advocate,
Ms. Indira, Advocate,
Mr. KM Garg, Advocate,
For the petitioner

Sandeep Moudgil, J.

The petitioner seeks anticipatory bail in case FIR No.0124 dated 20.10.2023 under Sections 409/420/120-B IPC registered at Police Station Phool, District Bathinda.

Brief facts of the case are that on 16.10.2023, a telephonic information was received by SI Nachhatar Singh that one truck bearing registration No.PB-30L-9079 loaded with wheat bags is standing unattended near Punjab Rice Mill, Rampura Phul. The police officials reached the spot and found that the above said truck was loaded with wheat bags having mark of "Punjab Government" and also found

have been stolen from the Markfed Godown in connivance with its Manager Karamjit Singh (the petitioner) and thus the instant FIR was lodged.

Learned counsel for the petitioner contended that there is no complaint whatsoever has been given by Markfed regarding shortage of wheat at the godown at Rampura Phul. It is submitted that neither the truck belongs to the petitioner nor the petitioner was apprehended from the spot and in fact the petitioner has nominated on the basis of statement of co-accused Deepak Kumar who was further nominated as accused on the statement of Gurmeet Singh and Daljit Singh recorded on 18.10.2023 i.e. after a gap of two days from the alleged telephonic call received by SI Nachattar Singh regarding the truck in question. It is vehemently argued that even as per the report of the DM, Bathinda, there is no report of shortage of wheat at the Godown of Markfed.

Notice of motion. On the asking of the Court, Mr. HS Sitta, DAG Punjab accepts notice. He submits that the petitioner does not deserve the concession of anticipatory bail *inasmuch* as it is the *modus operandi* of the petitioner and his co-accused who conceive a disingenuous design to pilfer the grain stock from the godown. He further submitted that the godown in question has a capacity of storing 6 lacs bags at a time and the petitioner along with other officials used to sprinkle water on the grain bags resulting into gaining of moisture as well as weight of the bags, thereafter, they pilfer/take out 3 to 4 kg of wheat/grain from each bag and as such if the storage capacity of the godown is 6 lac bags, then the total pilferage comes out to be 18 lacs kg and in this way, the petitioner and his co-accused have undertaken pilferage of 490 bags of wheat from the godown which was allegedly being illegally disposed of by them in the market.

Heard learned counsel for the parties.

The nature of allegations leveled in the FIR is serious and as such, the probability of other officials/public servants being hand in glove with the petitioner cannot be ruled out at a stage where the investigation is still raw and undergoing. The way the petitioner and co-accused allegedly carried out pilferage of wheat shows that they had best of both the worlds as a large amount of grain has been pilfered by them which apparently is their *modus operandi* even though the stock in papers used to remain same in order. Be that as it may, the investigation is underway and the petitioner has not come clean on the pilferage of the aforesaid bags of wheat from the said godown. Thus, the custodial interrogation of the petitioner is required.

Keeping in view the aforementioned facts and circumstances and nature of allegations, the petitioner does not deserve the concession of anticipatory bail. Hence, the present petition is hereby dismissed.

10.01.2024
V.Vishal

(Sandeep Moudgil)
Judge

- 1. Whether speaking/reasoned?
- 2. Whether reportable?

Yes/No
Yes/No