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

CRM-M-19543-2024
Decided on: 23.05.2024

Attar Singh

.... Petitioner

versus

Central Bureau of Investigation

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. P.K.S.Phoolka, Advocate
for the petitioner.

Mr. Gagandeep S.Wasu, Spl. PP
for the respondent.

Manjari Nehru Kaul, J. (Oral)

Instant petition has been filed under Section 438 Cr.PC for grant of anticipatory bail to the petitioner in case FIR No.RC0052020A0011 dated 08.07.2020 under Sections 120-B, 420, 406, 403, 465, 468, 471 IPC and Section 13(2) read with Section 13(1)(d) of Prevention of Corruption Act, 1988 registered at Police Station ACB, CBI, Chandigarh.

2. Learned counsel for the petitioner has asserted his innocence by submitting that he has been falsely implicated in the present case; he did not commit any offence as has been alleged by the CBI in the Final Report and most pertinently, he was not even named in the FIR in question.

Learned counsel has further submitted that the petitioner was working as Operation Executive, under Area Manager Joginder Kumar;



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his duty was only to check the monthly stocks under the supervision of Godown Supervisor, Ram Kumar, and then to present his report to the Company's office situated at Bathinda. Ram Kumar, Godown Supervisor was appointed through Area Manager Joginder Kumar and had the exclusive control of the keys of the godowns and had been handling the stock records, as also had been sealing the godown.

On 28.03.2018, officials of Punjab National Bank while verifying the stocks at godown at Lambi did not find anything amiss, and rather found the stocks in the godown in order. The petitioner had constantly been keeping the Area Manager Joginder Kumar, informed about the stock withdrawals. One Yudhveer Singh was appointed as Operation Executive w.e.f. 11.04.2018 and on 25.04.2018, the petitioner was directed to conduct the physical verification of the godown; it was then that the shortage of approximately 21,000 bags came to his notice along with the shortage of another 20,000 bags in another godown, which was immediately reported by the petitioner to the higher authorities including the Area Manager, Joginder Kumar, but for reasons best known to the Area Manager, no action was taken. The petitioner was also verbally informed that certain negotiations were underway between Star Agri Warehouse Company and the Directors of Golden Agrarian and Amyra Foods. Further, from 28.03.2018 to 27.04.2018, the petitioner did not even visit the godowns, as his duty was only to inspect them once in a month. He has been managing 60-70 godowns, with no detected shortages under his supervision.



It has still further been argued by the learned counsel that the allegations levelled in the FIR in question for commission of offences under Sections 420, 465, 467, 468, 471 and 120-B IPC and for offences under the provisions of Prevention of Corruption Act are totally fabricated qua the petitioner. False allegations have been levelled that the petitioner colluded with the co-accused, embezzled the stocks and also fabricated fake stock registers. Learned counsel has further vehemently asserted that essential ingredients of the offences alleged are clearly absent in the present case against the petitioner. Furthermore, the petitioner had been fully cooperating with the investigating agency and had also been joining inquiry proceedings. Additionally, learned counsel also submitted that an earlier FIR No.195 dated 12.09.2019 under similar Sections was registered against the petitioner at Police Station Lambi, in which the petitioner had been extended the concession of anticipatory bail.

3. Per contra, learned Standing counsel for CBI has vehemently opposed the prayer of the learned counsel for the petitioner and has drawn the attention of this Court to the short reply by way of an affidavit dated 30.04.2024. It has been argued by the learned counsel for the respondent that the petitioner was working as Operation Executive at M/s Star Agri Warehousing and Collateral Management Ltd., and had colluded with the co-accused, who were Directors of M/s AFPL, by fabricating fake stock registers. The Supervisor of Warehouse namely, Ram Kumar, while getting his statement recorded under Section 164 Cr.PC corroborated the allegations and the role played by the petitioner in the crime in question



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by stating that he had issued false registers at the direction of the petitioner and Parmod Kumar, Area Manager/State Head of M/s Star Agri Warehouse Company. The petitioner, along with the Auditors submitted false audit reports to the Company in exchange of financial benefits from Mr. Rajveer Singh Samra, Director of M/s AFPL. Learned counsel for the respondent has further submitted that there was enough documentary evidence showing that fake stock registers had been signed by the accused including the petitioner. It has still further been asserted that the fraud and embezzlement perpetuated by the accused including the petitioner had caused significant financial losses, as otherwise, the co-accused Directors would not have been advanced loans by Punjab National Bank (hereinafter referred to as 'PNB'). Learned counsel for the respondent has also brought to the notice of this Court the involvement of the petitioner in following cases:

1. FIR No.195 dated 12.09.2019 (Annexure P-2) under Sections 120-B, 406, 420, 465, 467, 468 and 471 IPC registered at Police Station Lambi District Sri Muktsar Sahib on anticipatory bail vide order dated 24.08.2021 passed in CRM-M-46956 of 2019.
2. FIR No.RC005202020A0009 dated 30.06.2020 registered under Section 120-B, 420, 406, 409 IPC and Section 13(2) r/w Section 13(1)(d) of PC Act, 1988 registered at police station ACB, CBI, Chandigarh on anticipatory bail vide order dated 15.02.2023 passed in CRM-M-7945 of 2023.



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4. Heard learned counsel for the parties and perused the relevant material available on record.

5. During investigation, CBI uncovered that a criminal conspiracy had been orchestrated by the borrowers/Directors of M/s GAPL namely Harinderjeet Singh Samra and Malkiat Singh along with the Directors of M/s AFPL namely Rajveer Singh Samra and Sukhveer Singh Samra. Allegedly, they all in collusion with the Punjab State Head Parmod Kumar of M/s Star Agri Warehouse Company dishonestly and fraudulently disposed off the hypothecated stocks under "CC-WHR" account with PNB. Main Bazar, Faridkot. They defrauded funds from the Term Loan Account for personal use; forged the signatures of the guarantors from bank, forged the balance-sheets and manipulated the stock statements to secure higher drawing power. Sale proceeds were not deposited into the PNB Accounts, and instead diverted the funds, which led to a huge loss of Rs.4834.28 lacs to PNB and wrongful gain to themselves. The accused in connivance with others allegedly cheated PNB to the tune of Rs.4834.28 lacs from December, 2015 to March 31, 2018 by using false, forged and fabricated documents and by circumventing the banking procedures/rules.

6. On the basis of the final report presented by the CBI, Special Judicial Magistrate, CBI, Punjab has already taken cognizance of the offences under Sections 120-B r/w 420, 465, 468, 471 IPC along with other substantive offences against the accused including the petitioner.

7. There are, thus, prima facie, serious and specific allegations



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against the petitioner including his role in the crime in question. The petitioner in collusion with the co-accused not only prepared inflated stock statements but also included stocks that were not even in existence. No doubt, the petitioner has not been named in the FIR in question, however, the involvement of the petitioner surfaced during investigation by the CBI and when statement of Ram Kumar was recorded under Section 164 Cr.PC.

8. In the facts and circumstances as enumerated hereinabove, this Court does not deem it fit to extend the extra-ordinary concession of anticipatory bail to the petitioner. Accordingly, the present petition stands dismissed.

9. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

23.05.2024
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(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/non-speaking?	Yes/No
Whether reportable?	Yes/No