



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.19246 of 2024 (O&M)
Date of Decision: 06.05.2024

Satya Rani and another
..... Petitioners
Versus
State of Haryana
..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. Birender Singh Rana, Senior Advocate assisted by
Mr. Karanbir Singh Kahlon, Advocate for the petitioners.

Mr. Kiran Pal Singh, AAG, Haryana for the respondent.

MAHABIR SINGH SINDHU, J.

Second petition has been filed under Section 438 of the Code of Criminal Procedure, 1973 for grant of pre-arrest bail to the petitioners in FIR No.428 dated 18.11.2023, under Sections 406, 420, 120-B of the Indian Penal Code, 1860 (Section 409 IPC added later on), registered at Police Station Butana, District Karnal.

(2) This Court, on 29.04.2024, passed the following order:-

“Present second petition under Section 438 of Cr.P.C. for grant of pre-arrest bail in FIR No. 428 dated 18.11.2023 under Section 406, 420, 120B IPC (later on added Section 409 IPC), registered at Police Station Butana, District Karnal.

2. Reply dated 27.04.2024 by way of affidavit of Vijay Kumar, HPS, DSP, Women Safety, Karnal has been filed on behalf of respondent-State, which is taken on record. Copy supplied to the other side. Registry to tag the same at appropriate place.



3. *It transpires that on earlier occasion, pre-arrest bail of both the petitioners was declined, by this Court on 08.01.2024 and it was also observed as under:-*

“ 14 Before parting with this order, it is necessary to observe that the official/officer from the department neither monitored the timely delivery of rice; nor carried out any inspection (except on 14.10.2023); thus, their connivance cannot be ruled out in the matter.

15 A copy of this order be sent to the Secretary, Food, Civil Supplies and Consumer Affairs Department, Haryana for information and necessary action at their end.”

4. *A period of more than three months has already expired, but no positive steps have been taken by the quarter concerned for the reasons best known to them.*

In view of the above, Secretary, Food Civil Supplies and Consumer Affairs Department, Haryana is directed to file his affidavit indicating the action taken against the erring official(s)/officer(s) till date.

5. *Needful be done before the date fixed.*

6. *Posted for 02.05.2024.*

7. *Be shown in the Urgent list.*

8. *Superintendent of Police, Karnal is also directed to file his status report and if need be, to initiate suitable action against the investigating officer, who prima facie, has failed to discharge his duties with due diligence.*

9. *Also observed that in view of the controversy involved, there would be no harm if some senior officer is deputed to complete the ongoing investigation.”*

(3) In compliance of aforesaid order, affidavit dated 01.05.2024 of Dr. Sumita Misra, Additional Chief Secretary to Govt. of Haryana, Food Civil Supplies and Consumer Affairs Department, Haryana, along with Annexures



R-1 & R-2, has been filed. The same is taken on record. Copy thereof supplied to the opposite side.

(4) Status Report by way of an affidavit dated 05.05.2024 of Sh. Deepak Saharan, Superintendent of Police, Karnal, along with Annexure R-1, has also been filed. The same is taken on record. Copy thereof supplied to the opposite side.

(5) Above FIR was registered on the complaint made by Sh. Ashok Kumar, Inspector, Food Civil Supplies & Consumer Affairs, Paddy Incharge, P.R. Centre, Nilokheri, District Karnal against (i) Bishamber Lal son of Hans Raj (Proprietor); (ii) Satya Rani and (iii) Sonali Verma. It is alleged that all three accused have neither delivered 15196.7455 quintals of rice to the Food Corporation of India; nor the amount was deposited by them. The physical inspection of the Mill was conducted by the department on 14.10.2023 and no paddy/rice was found in the premises.

(6) Learned Senior Counsel contends that in similar FIR(s), accused were granted the concession of pre-arrest bail by learned Sessions Court; but the petitioners have been denied the benefit without any cogent reasons. Also contends that although pre-arrest bail of the petitioners was declined by this Court on 08.01.2024; but in view of the above factual position, petitioners be granted the concession on the ground of parity. Lastly contends that petitioners are ready to deposit an amount of Rs.50 Lakh in favour of the department subject to the final outcome of criminal case; but they be protected.

(7) *Per contra*, learned State Counsel on instructions while opposing the prayer submits that on earlier occasion, pre-arrest bail of both the



petitioners was rejected by this Court on 08.01.2024 while passing a reasoned order and the same has not been set aside till date; hence, second petition is not maintainable without any changed circumstances. Also submits that *prima facie*, there is large scale fraud & misappropriation of paddy to the tune of more than Rs.6 crores and four officials have been charge-sheeted by the department for dereliction of duties. Further submits that despite dismissal of pre-arrest bail of the petitioners on 08.01.2024, none of the accused has been apprehended, therefore, necessary action is being taken against the Investigating Officer as well. Lastly submits that despite repeated raids, neither petitioners; nor third accused Bishamber Lal is/are traceable; thus, all three accused are successfully evading the process of law.

(8) Heard learned Counsel for the parties and perused the paper-book.

(9) Allegations are that M/s K.D. Overseas was allotted 46687.5 quintals of paddy and after custom milling, 67% of the same i.e. 31280.6 quintals of rice was to be delivered to the Food and Supply Department. Both the petitioners are alleged to be the partners/guarantors; whereas third accused Bishamber Lal (husband of petitioner No.1 and father of petitioner No.2, respectively), is the proprietor. It is further alleged that only 16084.4 quintals of rice was delivered to the Department and remaining 15196.74 quintals of rice has been misappropriated. Upon physical verification on 14.10.2023, it was found that there had been no paddy/rice left in the Mill and market value of the misappropriated rice is stated to be more than Rs.6 crores. As submitted by learned State Counsel, four officials from the Food and Supply Department



have been charge-sheeted due to their connivance with the accused and for dereliction of duties.

(10) It is not in dispute that on earlier occasion, pre-arrest bail(s) of both the petitioners were declined on 08.01.2024; but Investigating Officer failed to apprehend them and disciplinary action has already been initiated against him. Even none of the petitioners is traceable despite repeated raids; thus, they are evading the process of law.

Although, learned Senior Counsel submitted that petitioners are ready to deposit an amount of Rs.50 Lakh with the Department; but that will not help them for seeking pre-arrest bail when allegations are of more than Rs.6 crores.

(11) In view of the above, no ground is made out to grant pre-arrest bail to the petitioners.

(12) Consequently, the petition is dismissed.

(13) The above observations may not be construed as an expression of opinion on merits of the case.

(14) Pending application(s), if any, shall also stand disposed off.

6th May, 2024
Gagan

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes