



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-19253-2024

Date of Decision : May 28, 2024

GURDEEP SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Rohit Chaudhary, Advocate
for the petitioner.

Mr. Akshay Kumar, AAG, Punjab.

KULDEEP TIWARI, J. (Oral)

1. On the last date of hearing, i.e. 9.5.2024, the following order
was passed:-

*“Through the instant petition, prayer is made for grant
of pre-arrest bail, in case FIR No. 231 dated 7.10.2018, under
Sections 406, 420, 465, 468, 471, 120-B of the IPC, registered
at Police Station Lambi, District Sri Muktsar Sahib.*

*On 20.4.2024, notice was issued to the respondent-
State and today, learned State counsel has filed a short reply,
by way of affidavit of Deputy Superintendent of Police,
Vigilance Bureau, Unit Bathinda, to the instant petition, in the
Court, and the same is taken on record. Copy of the same is
also supplied to the learned counsel for the petitioner.*

*What surfaces from the perusal of the FIR is that the
complainant, which is a government agency, entrusted
443760 bags of paddy weighing 166410 quintals to M/s
Amyra Foods Pvt. Ltd. for its custom milling, and an
agreement was entered between Rajveer Singh and Satveer
(co-accused), for the block years 2017-18. On 5.5.2018, a*

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physical verification was carried out, and huge deficiency i.e. 67834 bags of paddy was found shortage, amounting to Rs 4,88,69,797/- from the premises of the accused-firm, which resulted into registration of the present FIR. Both the co-accused of the petitioner were arrested, and later on released on regular bail. During the investigation, the name of the petitioner surfaced as one of the conspirator.

The allegations against the present petitioner are that he conducted physical verification being the Inspector in the PUNSUP on 15.1.2018, 31.1.2018, 15.2.2018, 28.2.2018, 13.3.2018, 31.3.2018 and 15.4.2018, and prepared physical verification report showing the stock complete, but, when on suspicion a raid was conducted by various officials of PUNSUP on 5.5.2018, in presence of the accused-petitioner, and the DM, Amritpal Singh, (co-accused), huge shortage of 67834 paddy bags, was found. The allegations against the petitioner are that he in connivance with the main accused has given the false report which led to the commission of the instant crime.

Learned counsel for the petitioner in asking for the relief of pre-arrest bail, submits that in fact there is huge gap in between the last physical verification conducted by the petitioner on dated 15.4.2018, and on dated 5.5.2018, therefore, with any stretch of imagination, the petitioner cannot be held responsible for siphoning of such stock which is totally under the domain and control of the proprietors of the firm being trustees. He further draws the attention of this Court towards inter departmental order issued by the PUNSUP to submit that he was given additional charge of Sri Muktsar Sahib and Khapiyanwali, and was ordered to report on 1.4.2018, therefore, he cannot be make his presence at two places, at one point of time.

In view of the above submissions, this Court deem it appropriate to extend the relief of pre-arrest bail.



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Adjourned to 28.5.2024.

In the meanwhile, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal and surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioner shall, however, join the investigation as and when called for and shall also abide by the conditions specified under Section 438(2) of the Cr.P.C.”

2. Today, the learned State counsel on instructions imparted to him by ASI Balwider Singh, submits that the petitioner has already joined the investigation and he is fully co-operating with the investigation process and he is not required for any further custodial interrogation.

3. In view of the specific stand taken by the learned State counsel, the present petition is **allowed** and order dated 9.4.2024 is, hereby, made absolute subject to the condition that the petitioner shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

(KULDEEP TIWARI)
JUDGE

May 28, 2024
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No