



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

211-2**CRM-M-28052-2024****Date of decision: 01.08.2024**

Ram Kumar

...Petitioner

V/s

Central Bureau of Investigation, Anti-Corruption Branch,

...Respondent

CORAM: HON'BLE MR. JUSTICE MANJARI NEHRU KAUL

Present: Mr.Piyush Sharma, Advocate, for the petitioner.

Mr. Ravi Kamal Gupta, Spl. Public Prosecutor,
for the respondent-CBI.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 of the Cr.P.C. in case FIR No.RC0052020A0011 dated 08.07.2020 under Sections 420, 406, 403, 120-B of the IPC and Sections 13(1)(d), 13(2) of the Prevention of Corruption Act, 1988 registered at Police Station ACB, Chandigarh.

2. Learned counsel for the petitioner submits that the petitioner was merely a low-level employee of M/s Star Agri, serving as a Supervisor-cum-Watchman at their warehouse. The petitioner had been made a scapegoat by his superior officers. It has been argued that the petitioner had no independent authority over the warehouse stocks and was merely executing orders from his superior officers; co-accused Pramod Kumar and Attar Singh. It has still further been submitted that the petitioner granted access to the Directors of GAPL and AFPL to the warehouse solely on the instructions of co-accused-Pramod Kumar, the State Head of M/s Star Agri, under whose direct supervision he worked. The



petitioner being illiterate, followed these orders under the threat of job loss and had no personal involvement or benefit in the alleged conspiracy. Additionally, it has been asserted by the learned counsel that the allegations in the present FIR are similar to those in two other FIRs based on the same cause of action. Learned counsel has, therefore, prayed that in the aforementioned facts and circumstances moreso when he had duly cooperated with the investigating agency, he was never arrested during investigation nor was his custodial interrogation sought, in addition to the investigation qua him being complete, he be extended the concession of anticipatory bail.

3. Learned standing counsel for CBI while opposing the prayers and submissions made by the counsel opposite has submitted that the petitioner was an active participant in the conspiracy orchestrated by the Directors of Golden Agrarian Pvt. Limited (GAPL) and Amyra Foods Private Limited (AFPL) i.e. co-accused Rajveer Singh Samra and Sukhveer Singh Samra. The conspiracy involved defrauding Punjab National Bank (PNB) of a huge amount exceeding Rs.50 crores by disposing of hypothecated goods without repaying the loan. It has been further argued by the CBI that no doubt the petitioner was Supervisor-cum-Watchman of the warehouse, however, even if he had acted under the instructions of his superiors, it could not be a ground to extend the concession of anticipatory bail to the petitioner. Furthermore, it has been pointed out that, as per the petitioner's statement under Section 164 Cr.P.C, he received Rs.10,000/- from the co-accused, as part of the conspiracy. Learned standing counsel for CBI, however, has not disputed that the petitioner was not taken into custody



during investigation nor was his custodial interrogation sought; the factum of the petitioner having joined investigation and cooperated with the investigating agency as and when called for, has also not been disputed by the CBI.

4. I have heard learned counsel for the parties and perused the relevant material placed on record.

5. In the facts and circumstances as enumerated hereinabove and in the wake of the instructions received by the learned standing counsel for CBI, the petitioner, who as not disputed was employed as Supervisor-cum-Watchman of the Warehouse in question, is extended the concession of anticipatory bail.

6. Accordingly, the instant petition is allowed and the petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned. 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.

7. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

(MANJARI NEHRU KAUL)
JUDGE

August 01, 2024
poonam

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No