

2024.PHHC:118860



209.

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

**CRM-M-35608-2024**

Date of decision: 09.09.2024

Rajesh Kumar

.... Petitioner

Versus

State of Punjab

.... Respondent

**CORAM: HON'BLE MR. JUSTICE GURBIR SINGH**

Present: Mr. Mohit Sadana, Advocate, for the petitioner.

Ms. Manjot Kaur, AAG, Punjab.

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**GURBIR SINGH, J.**

1. This petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail to the petitioner in case FIR No.102, dated 08.06.2024, registered under Sections 406, 408, 120-B of IPC at Police Station Sadar Nabha, District Patiala.

2. The aforesaid FIR was registered on a complaint made by Anil Kumar with the allegations that he was a partner in M/s Bharat Food and General Mill, Village Mandour, District Patiala. On 31.05.2024 at about 3:00 PM, said Firm sent 290 bags of government rice (Pungrain) through truck bearing registration No.PB-11-CS-4689 being driven by Pavittar Singh, for delivering it at Jindal Godown, Nabha. Said truck was owned by the petitioner. At about 4:00 PM, the complainant came to know that the said truck did not reach at the said location. The complainant in order to enquire about the same, gave a phone call to the petitioner, but he did not

respond. Rice worth Rs.10 lacs were misappropriated by the driver of said vehicle and the petitioner.

3. Learned counsel for the petitioner has argued that the petitioner is a businessman and running a business of Rice Milling as well as a Transport Business being registered with the Truck Union, Nabha. The family of the petitioner is in the business for the last 50 years and there is not even a single complaint or FIR against the petitioner or his family members. He has clean antecedents. It is submitted that on 31.05.2024, the petitioner received a half consignment from the complainant to deliver 290 bags of rice at Jindal Godown, Nabha. Said stock was loaded in the truck of the petitioner bearing registration No.PB-11-CS-4689 being driven by Pavittar Singh. When the said truck reached near Jindal Godown, Patiala, the Accountant of the complainant's firm met the petitioner who was coming in another empty truck and instructed the petitioner to unload said 290 bags of rice from his truck as another half consignment which was sent to the Government Warehouse was rejected due to poor quality issues. Said rice bags will be sent for sortex to purify rice grains so that their consignment might get pass and better quality of rice would be sent back again. The sortex informed by the complainant was situated at Patiala. At that time, the petitioner was not having requisite formalities to send loaded truck at Patiala, so the Accountant unloaded said bags of rice from the truck of the petitioner and loaded them in his truck.

3.1 Learned counsel for the petitioner has further submitted that in fact, the firm of the complainant owed Rs.3 lakhs to the firm of the

petitioner and on 31.05.2024, when the petitioner asked the complainant firm to clear the dues, the complainant got annoyed and started claiming that the petitioner had lowered his image in front of his employees due to which petty brawl occurred between them. So, the complainant was keeping grudge against the petitioner and lateron, lodged a false complainant against him. No Government Agency has pointed out the loss, so stated by the complainant. As per the rates settled by the Government of India vide notification (Annexure P-2), for 1 quintal of paddy/rice, the rate is Rs.2,203/- for Grade A. The total quantity sent by the complainant in the truck of the petitioner was 290 bags and each bag was of 50 Kg, so the value of the said goods comes to Rs.3,19,435/- (2,203 x 145). The complainant had raised a false claim. Even otherwise, petitioner is ready to join investigation.

4. Learned State counsel has filed status report by way of affidavit dated 07.09.2024 of Prabhjot Kaur, PPS, Deputy Superintendent of Police, Circle Nabha, District Patiala, which is taken on record. She has opposed the anticipatory bail to the petitioner by contending that the allegations are serious. The recovery is yet to be effected. The petitioner being owner of the truck failed to deliver 290 bags of rice belonging to the complainant, in connivance with the co-accused Pavittar Singh, driver of the truck. Neither any receipt is produced that the bags from the truck of the petitioner were unloaded at the instance of the Accountant of the complainant and then loaded in another truck nor number of said truck is disclosed. Petitioner has also not disclosed the name of the Accountant of

the complainant who asked the petitioner to unload the truck and load in some other truck.

5. I have heard the submissions of learned counsel for the petitioner, learned State counsel and have gone through the file.

6. The petitioner has failed to disclose the number of the truck on which the alleged 290 bags of rice were got loaded by the Accountant of the complainant, even name of that Accountant has not been disclosed. No receipt has been produced that said bags were handed over to the Accountant of the complainant; the allegations are very serious; recovery is yet to be effected, this Court finds that custodial interrogation of the petitioner is necessary to bring truth on the file. When a person is equipped with favourable order of anticipatory bail, then interrogation becomes mere ritual.

7. In the light of above discussion, I am of the view that it is not a fit case where the petitioner is entitled for grant of anticipatory bail. Accordingly, the present petition is dismissed.

8. What has been observed above is only for the purpose of deciding this petition and has no effect on the merits of the case before the trial Court.

**(GURBIR SINGH)**  
**JUDGE**

**September 09, 2024**

sanjeev

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No