



In the High Court for the States of Punjab and Haryana
At Chandigarh

(I) CRM-M-35641-2024 (O&M)

Sumit Sharma ... Petitioner

Versus

State of Punjab ... Respondent

(II) CRM-M-37711-2024 (O&M)

Anit Sharma ... Petitioner

Versus

State of Punjab ... Respondent

Date of Decision:-21.8.2024

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Veneet Sharma, Advocate for the petitioner(s).

Mr. Inderjeet Singh Ladher, DAG, Punjab.

FIR No.	Dated	Police Station	Section/s
69	24.6.2024	Bhindi Saidan, Amritsar (Rural) Amritsar.	420, 406 and 120-B of Indian Penal Code

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the aforesaid two petitions filed on behalf of petitioners Sumit Sharma and Anit Sharma seeking grant of anticipatory bail in respect of aforementioned FIR.
2. The brief and relevant facts of the case are that the aforesaid i.e. FIR No.69 dated 24.06.2024 was registered on the basis of a complaint made by petitioner – Anit Sharma being an Inspector, PUNGRAIN, Grain Market,



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Jasraur, Block Lopoke, District Amritsar, addressed to the Station House Officer, Police Station Bhindi Saidan, District Amritsar (Rural) vide Memo No. Account/2024/622 dated 22.06.2024, alleging therein that co-accused Sumit Sharma, Proprietor of M/s Meharwan Traders, Purchase Centre, Jasraur, Block Lopoke, District Amritsar, has unlawfully appropriated 6,665 bags of wheat, equivalent to 3,332.5 quintals, out of the total purchase of 13,500 bags of wheat, equivalent to 6,750 quintals, made by his aforementioned firm on behalf of PUNGRAIN (Procurement Agency) from Grain Market, Jasraur during the procurement process for the *Rabi* crop for the year 2024-2025. It is further alleged that as per the record, a total of 13,500 bags of wheat i.e. 6750 quintals, were dispatched to the Food Corporation of India (FCI) for storage in the godowns i.e., PEG Godown Jagat Agro, Dhand Kasel after its purchase through direct delivery but upon inspection of the receipts/gate passes, it was found that 6665 bags of wheat i.e., 3332.5 quintals, out of a total of 13,500 bags of wheat i.e., 6750 quintals, purchased by the firm of Sumit Sharma on behalf of the PUNGRAIN were not delivered. Thus he (Sumit Sharma) had caused a wrongful loss of Rs.75,81,438/- to the PUNGRAIN by way misappropriation of 6665 bags of wheat i.e., 3332.5 quintals.

3. It is the case of prosecution that during the course of investigation, it has been found that infact Anit Sharma being an Inspector, PUNGRAIN, Grain Market, Jasraur, Block Lopoke, District Amritsar, was himself also involved in the embezzlement of the aforesaid 6665 bags of wheat i.e., 3332.5 quintals, worth Rs. 75,81,438/- in connivance with petitioner - Sumit Sharma and that Anit Sharma had also tampered with the record in connivance and conspiracy with each other to prepare fake gate passes showing the delivery of 6665



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wheat bags in different consignments against different delivery challans without actual delivery of those wheat bags in the godowns of FCI. The petitioner was nominated as co-accused in the case vide G.D No. 31 dated 24.06.2024 during the course of investigation.

4. Short reply by way of affidavit of Shri Sukhjinder Pal Singh, PPS, Deputy Superintendent of Police, Sub Division Attari, Amritsar (Rural) in CRM-M-35641-2024 and short reply by way of affidavit of Shri Inderjeet Singh, PPS, Deputy Superintendent of Police, Sub Division Rajasansi, Amritsar (Rural) in CRM-M-37711-2024 have been filed by learned State counsel, which are taken on record.
5. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the present case and that the petitioner Sumit Sharma, Commission Agent, in any case, in order to prove his *bona fides* but without admitting the allegations, is willing to deposit the entire allegedly embezzled amount of Rs.75 lakhs in installments and that he has today brought 3 demand drafts i.e. demand draft bearing No.506490 dated 06.08.2024 amounting to Rs.15 lakhs, demand draft bearing No.000649 dated 20.08.2024 amounting to Rs.17 lakhs and demand draft bearing No.000650 dated 20.08.2024 amounting to Rs.1 lakh (total Rs.33 lakhs) favouring PUNGRAIN. It has been submitted that the entire case is otherwise based on documentary evidence which is already available with police.
6. Opposing the petitions, learned State counsel submitted that since during the course of investigation, sufficient evidence has been collected against the petitioners to substantiate their involvement, no case for grant of anticipatory bail is made out.
7. This Court has considered rival submissions addressed before this Court.



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8. Having regard to the facts and circumstances of the case and also the fact that the petitioner – Sumit Sharma has come out with an offer to deposit the entire embezzled amount of Rs.75 lakhs and has infact also brought aforesaid 3 demand drafts total of Rs.33 lakhs today favouring PUNGRAIN and also bearing in mind that the case is mainly based on documentary evidence, which is already in possession of the police, both the petitions merit acceptance and are hereby accepted and the petitioners, in the event of their arrest, are ordered to be released on bail subject to their furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioners shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.
9. The aforesaid order shall, however, be subject to the condition that the petitioners unconditionally make good the loss of Rs.75 lakhs caused to the PUNGRAIN. The aforesaid three demand drafts i.e. demand draft bearing No.506490 dated 06.08.2024 amounting to Rs.15 lakhs, demand draft bearing No.000649 dated 20.08.2024 amounting to Rs.17 lakhs and demand draft bearing No.000650 dated 20.08.2024 amounting to Rs.1 lakh (total Rs.33 lakhs), a photocopy whereof has been furnished to this Court, which is taken on record, have been passed on to ASI, Lakhwinder Singh, Investigating Officer, who shall deposit the same with PUNGRAIN.
10. Learned counsel for the petitioners has assured that the balance amount of Rs.42 lakhs shall be paid within three months from today.
11. In case, the petitioners do not honour their commitment made before this Court, it shall be open to the State to move an application for cancellation of anticipatory bail.



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12. A copy of this order be placed on the file of connected case.

21.8.2024
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No