

220

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-36592-2024

Date of Decision:-20.08.2024

VIKAS KUMAR

... Petitioner

Versus

STATE OF PUNJAB

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Aminder Singh, Advocate, for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

Mr. Harsh Aggarwal, Advocate for the complainant.

SANJIV BERRY, J (ORAL)

Learned counsel for the State has filed status report dated 17.08.2024 by way of affidavit of Superintendent of Police, Sub Division Sunam, District Sangrur, the same is taken on record. Copy thereof, has been supplied to the counsel opposites.

2. By way of the present petition filed under Section 482 Bharatiya Nagrik Suraksha Sanhita 2023 (BNSS) the petitioner is praying for anticipatory bail in the event of arrest in FIR detailed as under (Annexure P-1) :-

FIR No.	Dated	Sections	Police Station
60	03.07.2024	381 and 120-B IPC	Longowal District Sangrur

3. In *nut shell* the instant FIR was registered on the complaint of



Deepak Kumar, Anil Kumar, Ravi Kumar and Manoj Kumar stating that they are partners in one Sheller at Village Ubhawal and they had appointed Vikas Singla as Manager of sheller in the month of October 2023. In the said sheller PUNSUP Department stored paddy and petitioner used to supervise the accounts of Sheller. It is alleged that Vikas Singla, Piyush Singla and Happy, in connivance, sold 5 trucks of paddy weighing about 145 tons amounting to ₹52,00,000/-. It is stated that the complainants came to know of this fact on 23.04.2024 when they found that the accused were not present in the Sheller nor they were responding to their phone calls. The accused had also taken away account books of the Sheller and hatched conspiracy to sell the paddy from the Sheller. Hence the FIR.

4. Learned counsel for the petitioner *inter alia* contends that the petitioner is innocent and has been falsely implicated in this case. He contends that petitioner is not having any criminal antecedents and no specific role has been attributed to the petitioner. He contends that nothing is to be recovered from the petitioner and the petitioner is ready to join the investigation. Hence he prays for grant of concession of anticipatory bail to the petitioner.

5. *Per contra*, learned State counsel assisted by learned counsel for the complainant have assailed these arguments by referring to the reply dated 17.08.2024 submitted by the State and contends that the petitioner in connivance with the co-accused Happy sold paddy loaded in five trucks weighing 145 tons amounting to ₹52,00,000/- and had also stolen the CCTV Cameras, DVR and accounts books of the Sheller. They contend that petitioner had played specific role in the crime and custodial interrogation of

the petitioner is required for effecting recovery, as such they prayed for dismissal of the present petition.

6. After considering the rival contentions and perusing the record, it transpires that it is not disputed that the complainants happen to be the owners of the Sheller where the paddy had been stored by PUNSUP Department. It is also not disputed that the petitioner had been working as Manager in the said Sheller and his primary job to look after the entire business of the Sheller. The instant FIR has been registered after thorough inquiry in the complaint conducted by officer of the level of Superintendent of Police. There are specific allegations against the petitioner of having conspired with the co-accused in usurping the paddy stored in the Sheller and siphoning it up of having been sold in the market and as per record the petitioner along with co-accused had sold around 145 tons of paddy amounting to ₹52,00,000/-. It has further cropped up in the inquiry that the petitioner and the co-accused had taken away the account books, CCTV Cameras, DVR of the Sheller. Therefore, considering the nature and gravity of offence and also the fact that the recovery of stolen articles is yet to be effected from the petitioner, no case is made out in favour of the petitioner for grant of anticipatory bail in the present petition, the same is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

20.08.2024

Gyan

- | | | |
|-----|----------------------------|--------|
| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |