

**CRM-M-39553-2024****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.****Sr. No.260****Case No. : CRM-M-39553-2024****Date of Decision : August 14, 2024**

Jagdeep Singh

.... Petitioner

vs.

State of Punjab

.... Respondent

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Sanjay Khan, Advocate
for the petitioner.

Mr. Rajinder Singh Bhatta, DAG, Punjab.

Mr. Sandeep Singh, Advocate
for the complainant.

* * *

GURBIR SINGH, J. :

1. This is petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, for grant of anticipatory bail to the petitioner in case FIR No.77 dated 24.07.2024, under Sections 316(3) and 316(4) of BNS, 2023, registered at Police Station Shambhu, District Patiala.

2. The case in question was registered on the complaint of one Rajesh Kumar, who was posted as Manager at Attar Logistics Pvt. Ltd. On 10.07.2024, in the vehicle bearing No.PB-10-FC-3893 TATA 407 of GGC Transport Company, material was loaded from the godown of the Company and different articles were loaded in the said vehicle. The petitioner was working as Supervisor in the godown and Amardeep Singh as Computer

**CRM-M-39553-2024****-2-**

Operator. Vijay Kumar was driver of above-said vehicle, who, after loading the vehicle, took the same to Parwanoo at about 7:00 PM. He (complainant) also left his work place and at about 7:35 PM, he was going to his house at Panchkula and when he reached on Banur Tepla road, he saw that the above-said vehicle was parked by the side of road and four bags were unloaded from the same. He prepared the video on his mobile. He then informed Operation Head of the Company namely Navdeep Singh, who also came at the spot. They inquired from driver Vijay Kumar but he could not give any satisfactory reply. They re-loaded the bags and brought the vehicle back to the Company. On counting, 10 bags of 'Tata Tea Premium' were found missing. After making inquiries, it was found that the petitioner Jagdeep Singh and Amardeep Singh used to load excess material than the bills and both of them, in connivance with the driver Vijay Kumar, had misappropriated 10 bags of 'Tata Tea Premium'. Other material was also found short in the godown.

3. Learned counsel for the petitioner submits that the petitioner was not present at the place, where the driver allegedly unloaded the boxes. The petitioner has been named only on the basis of internal inquiry. The petitioner is Supervisor of the Company. There is also delay of 14 days in lodging the FIR. As per the statement of the complainant, only 10 bags were short. However, as per the statement of driver Vijay Kumar, 30 bags were unloaded. There is contradiction. The petitioner is ready to join investigation. It is, therefore, prayed that concession of anticipatory bail be granted to the petitioner.

**CRM-M-39553-2024****-3-**

4. Learned State counsel as well as learned counsel for the complainant have vehemently argued that the co-accused Vijay Kumar, who was arrested, has made disclosure statement naming the petitioner. The petitioner was Incharge of the godown. Learned counsel for the complainant has placed on record a photocopy of Vendor Debit Note dated 27.06.2024, which is ordered to be taken on record. As per this Vendor Debit Note dated 27.06.2024, there was shortage of the articles of the amount of Rs.63,23,543/-.

5. I have heard learned counsel for the parties and perused the case file.

6. The petitioner, being Supervisor of the Company and having full control over the godown, has failed to give any explanation for the shortage in the godown of the Company. The co-accused, i.e. driver Vijay Kumar of the vehicle concerned, has also disclosed about the involvement of the petitioner. Keeping in view the peculiar facts of the case, disclosure statement of the co-accused cannot be ignored at the stage of investigation. The custodial interrogation of the petitioner is necessary for bringing the truth out. When a person is equipped with the favourable order of anticipatory bail, then the interrogation becomes a mere ritual.

7. Keeping in view the gravity of offence and the fact that the custodial interrogation of the petitioner is necessary, the present petition is devoid of any merit and the same is accordingly dismissed.

8. However, nothing observed herein above shall be construed to be an expression of opinion on the merits of the case. The observations

recorded above are only for the purpose of deciding the present bail petition.

9. Pending applications, if any, shall stand disposed of along with this judgment.

August 14, 2024

monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.