



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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1. CRM-M-39517-2024
Date of decision: September 18th, 2024
Gurmail SinghPetitioner

Versus

State of PunjabRespondent

2. CRM-M-40262-2024
Date of decision: September 18th, 2024
Nirmal SinghPetitioner

Versus

State of PunjabRespondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Suvir Sidhu, Advocate
for the petitioner (in CRM-M-39517-2024).

Mr. P.K. Kapila, Advocate
for the petitioner (in CRM-M-40262-2024).

Mr. Navdeep Singh, Deputy Advocate General, Punjab.

MANJARI NEHRU KAUL, J. (ORAL)

This order shall dispose of the above-mentioned petitions filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), for grant of anticipatory bail to the petitioners, as they arise out of same FIR i.e. FIR No.157 dated 26.07.2024 under Sections 316 (5), 61(2) of the Bharatiya Nyaya Sanhita, 2023 (BNS), registered at Police Station City Kotkapura, District Faridkot.

2. On the last date of hearing, following submissions of learned counsel for the petitioners were recorded:-

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“Learned counsel for the petitioner, inter alia, contends that the FIR, which was registered at the instance of Beant Singh, Executive Engineer, was in fact, the person under whose supervision, the entire material was loaded into vehicles and despatched from the store; the complainant was placed under suspension the following day of the registration of the FIR itself.

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“Learned counsel for the petitioner inter alia contends that the FIR was registered at the instance of the Executive Engineer who was the person incharge and under whose supervision the entire scrap was loaded into the vehicles and dispatched from the store. It has been further submitted that the complainant himself was placed under suspension on the following day of the registration of the FIR in question. The petitioner was just working as a store keeper under the direct supervision of the complainant.”

3. Short reply by way of affidavit of Deputy Superintendent of Police, Sub Division Kotkapura, District Faridkot in CRM-M-39517-2024, has been filed in Court, which is taken on record subject to just exceptions.

4. Learned State counsel has vehemently opposed the prayer and submissions made by the counsel opposite by drawing the attention of this Court to paragraph 6 of the affidavit, which has been filed today in the Court. Learned State counsel has submitted that it was petitioner-Gurmail Singh along with petitioner-Nirmal Singh, who clandestinely got excess scrap lying in the Central Store loaded on the vehicle and

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including loading and weighing the scrap along with vehicle had been done in the presence of both the petitioners, hence, their involvement in the crime in question was writ large. Learned counsel has submitted that since huge loss had been incurred by the respondent-department/ PSPCL, the custodial interrogation of the petitioners was required and they did not deserve the extraordinary concession of anticipatory bail.

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

6. Before proceeding further, it would be apposite to reproduce the contents of the FIR, which are as follows:-

“Today letter No.985 dated 26.07.2024 Subject:- On 25.07.2024 complaint was received from Sh. Beant Singh, Store Keeper, Engineer, PSPCL, Central Warehouse, Kotkapura was received at Police Station and contents of the same is brief to SHO Police Station City Kotkapura. Memo No.985 dated 26.07.2024 Subject: On 25.07.2024 complaint was received from Central Store, Kotkapura regarding sending of sale order in a car which is higher beyond the determined limit. Regarding the above subject, it is written that on 25.07.2024 at Central Warehouse, Kotkapura vide sale order no.8945 dated 10.07.2024 A.C.S.R scrap quantity 2.095 from metric ton and sale order No.8461 dated 13.06.2024 vide C/T.P.T. lifting of unit quantity 59 number was done by M/s Khurana Metals Ludhiana. This lifting was done by Gurmel Singh J.E. (Employee Code No.316839) as Store Incharge and Nirmal Singh H.S.K (Employee Code No.316784) as Storekeeper of Central Warehouse, Kotkapura. Above mentioned both employees (Gurmail Singh and Nirmal Singh) firstly loading A.C.S.R. scrap and after that 14 No. C.T.P.T.

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was loaded in a vehicle No. PB-10-CN-1849 and the remaining 45 No. C.T.P.T. units were loaded in two separate vehicles. That Gurmail Singh J.E. (Employee Code No.316839) as Store Incharge and Nirmal Singh H.S.K (Employee Code No.316784) as Store Keeper of Central Warehouse, Kotkapura signed behind the weighing slip and total load is 545 kilogram weighed on the material electronic weighing machine and after weighing unloaded the same and after that gate pass were prepared and the material was put in 3 different cars by Store Incharge, Storekeeper and security Incharge was present on the spot and in the evening the same was sent outside. These cars were stopped in front of Informant Wing, Kotkapura on the Muktsar Road in evening of 25.07.2024 around 5:13. That statement of regular staff, PASCO Security Staff and Harwinder Singh Proprietor of M/s Khurana Metals were recorded by the teams (Informant Wing, Kotkapura, Informant Wing, Bathinda and Technical Audit Team, Bathinda) and two cars being No.PB-03-X-8785 and PB-11-BA-9278) in which damages C.T.P.T. unit were loaded and counting of the same was jointly done by the above mentioned three wings and checking report E.C.R. No.37/2759 was prepared on 25.07.2024. After thoroughly checking car bearing No. PB-10- CN-1849 in which scrap was loaded beyond the determined limit mentioned on the gate pass which is beyond the determined limit. A.C.S.R scrap and 14 No. damaged C.T.P.T. unit were unloaded A.C.S.R scrap was weighed on the digital weighing machine. In this checking following material were found: 1. Damaged C.T.P.T. Unit 14 No. 2. A.C.S.R Scrap 1903.20 kilogram, 3. New A.C.S.R 80mm (Raccoon)-113 kilogram, 4. New A.C.S.R 30mm (Weasel) 544.00 kilogram, 5. Only C.T. 6 No. Thus, in this vehicle bearing No. PB-10-CN-1849, according to the Sale Order No.8945 dated 10.07.2024, the specified amount of



A.C.S.R scrap was recovered from the place of 2.095 metric ton according to the above mentioned said details and new A.C.S.R/C.T. was found more and the price of which is 314519 rupees: S. No. Material found by Enforcement Wing Cost of material 1. New ACSR Weasel 30mm² = 544 Kg Rs.165750-; 02. New ACSR Raccoon 80mm 113.80 Kg Rs.39365. 3. CT6 No Rs.109404-Total Rs.314519. After checking the above said material and the same was kept in the room and sealed. That beyond the determined limit mentioned in the Sale Order both persons were jointly engaged for sending outside extra material, Gurmel Singh J.E. (Employee No.316839) was appointed as Store Incharge and Nirmal Singh H.S.K. (Employee No. 316784) was appointed as storekeeper because of unauthorized removal of goods in excess of the prescribed quantity mentioned in the sale order. That both these employees were sending new A.C.S.R. conductor and 6 No. C.T. the same in outside in unauthorized manner which is worth Rs.3.14 Lakh and these employees are directly responsible for the embezzlement and theft:- 1. Gurmail Singh J.E. (Employee Code No.316839) as Store Incharge P.S.P.C.L.. Limited Warehouse, Kotkapura 2. Nirmal Singh H.S.K. (Employee Code No.316784) P.S.P.C.L. Limited as Store keeper warehouse, Kotkapura 3. PASCO Security Guard Major Singh, 4. PASCO Security Guard Jaskarani Singh, 5. PASCO Security Incharge Malkit Singh, 6. Harwinder Singh, Proprietor of M/s Khurana Metals, Village Alamgir, in front of Malwa Foods, Malerkotla Road, Ludhiana, Mob. No.98140-35087 and FIR was registered against the above-mentioned employees C.C. No.986/87 dated 26.07.2024.”

7. Thus, in view of the allegations levelled in the FIR, this

Court is not inclined to extend the extraordinary concession of



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anticipatory bail to the petitioners.

- 8. The instant petitions stand dismissed.
- 9. 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.

September 18th, 2024
Puneet

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No