

Neutral Citation No.2024:PHHC:019172

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CRM-M-63714 of 2023  
Reserved on: 09.02.2024  
Pronounced on: 12.02.2024

Manpreet Singh  
State of Punjab  
Vs.  
.....Petitioner  
.....Respondents

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Ms. Nisha Rana, Advocate for the petitioner.  
Mr. Karunesh Kaushal, AAG, Punjab.  
Mr. Brahmjot Singh Nahar, Advocate  
(Through Video Conferencing) and  
Ms. Gurpreet Kaur Bhatti, Advocate  
for the complainant.

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DEEPAK GUPTA, J.

By way of present petition filed under Section 438 Cr.P.C.,  
petitioner prays for grant of anticipatory bail in case FIR No.166 dated  
21.11.2023 registered under Sections 381/407/408/120-B IPC at Police  
Station Shambhu, Tehsil Rajpura, District Patiala, Punjab.

2. Status report by way of affidavit dated 18.01.2024 of Shri  
Dalbir Singh, PPS, Deputy Superintendent of Police, Headquarters, Holding  
Additional Charge of Circle Ghanaur, District Patiala has been filed on  
behalf of the respondent- State.

3.1 FIR was lodged on the complaint of Shri Saurabh Srivastava,  
Manager, Asian Fine Cement Private Limited. The said Company located at  
Village Rajgarh, Tehsil Rajpura, District Patiala is engaged in manufacturing  
cement, which is dispatched after packing the bags. It came to the notice of

the complainant that theft of cement bags was being committed through fraudulent means by certain persons in connivance with the employees of the factory, who were taking out cement in actual more quantity than what is mentioned in the documents of factory like invoices raised etc.

3.2 As per the complaint, the Company is using SAP software and all the incoming and outgoing material is recorded in the accounts of the Company through this system. On enquiries on their level, Company came to know that the SAP Software system was being manipulated. The modus operandi was noticed on 06.11.2023 showing manipulation of weight by the persons responsible for operating Combined Dispatch System (CDS) by exploiting the vulnerability in the SAP software system.

3.3 Giving further details, it is alleged in the FIR that CCTV footage confirmed that 406 bags were loaded in a closed container/ Truck No.PB-11-DD-1269, surpassing the documented quantity of 240 bags. No objections were raised by the Security Personnel either at the packing area or at the main gate showing their involvement. The vehicle departed from the premises with all the documents like invoices etc., in which the weight of 240 bags i.e. 12 metric tonnes was shown, through the actual weight of 406 bags was 20.30 metric tonnes. On the concern raised by the Packing contractor, which came to the notice of the Plant Head, external verification was done. The vehicle was parked near Shambhu border. Though the truck was locked but driver was not present. Guards were left at the truck and not to allow movement of the truck. However, when truck was offloaded in the next morning, the quantity of bag was found to be 240 only. The investigation revealed the connivance of guarding security personnel, inasmuch as the stolen bags were off-loaded at Highway Services Petrol Pump at Shambhu, which was verified from CCTV footage of the Petrol

Pump.

3.4 FIR was accordingly lodged against the petitioner – Manpreet Singh and other co-accused as named in the FIR.

4. Learned counsel contends that the petitioner has been falsely implicated, having no connection with the crime. He was working as Computer Operator in the Company and his work was only to issue the bills to the concerned authorities as per the purchase order. Learned counsel also contends that SAP Software System is used by CDS as well as by Security Personnel and that said Software is operated only through the IT Department. Learned counsel also submits that the custodial interrogation of the petitioner will not serve any purpose and that he is ready to join the investigation.

5.1 Strongly opposing the bail petition, learned State Counsel supported by learned counsel for the complainant submits that it is the petitioner who being the Computer Operator, used to make entries, by tampering with the software of the Company. Learned State Counsel submits that in fact, petitioner is master mind of the theft committed from the factory being Computer Operator, as without the manipulation in the record on the part of petitioner, the theft was not possible.

5.2 Learned State Counsel also submits that custodial interrogation of the petitioner is very much necessary, not only to probe the entire truth but further to know as to since when the theft was being committed. Prayer is made for dismissal of the petition.

6. Having considered the submissions of both the parties, the alleged role of the petitioner in the crime and the fact that being the Computer Operator, it appears that it was his primary duty to run the SAP Software System, in which the relevant entries regarding dispatch etc., were

made, the custodial interrogation of the petitioner appears to be quite necessary to reach at the bottom of the matter to find the truth. This Court does not find the present case to be fit for grant of anticipatory bail.

Dismissed.

February 12 , 2024  
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( DEEPAK GUPTA )  
JUDGE

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|---------------------------|--------|
| Whether Speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/N  |