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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-28295-2025
Decided on: 22.05.2025

Hashim Ali ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Ms. Prabhjot Virk, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
159	05.04.2023	Sadar Yamunanagar, District Yamunanagar	7, 10 of Essential Commodities Act and Section 420 IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 14 of the bail petition, the accused declares that he has no criminal antecedents.
3. The facts and allegations are being taken from translated copy of the FIR (Annexure P-1), which reads as follows:

“To Station House Officer Police Station Sadar Yamuna Nagar Subject: Regarding filing a case against Mohammad Hashim (Depot holder) resident of Dudhla Sir, today I Sukhjain Singh Inspector Food Supply and Consumer Affairs was present in the office at Yamuna Nagar that DFSC Yamuna Nagar informed me that on the basis of secret information, CM Flying Team Panchkula is going to check in village Damla and other ration depots, you should contact CM Flying Team Panchkula and join them. After receiving the information, I along with my office programmer Ankush Sharma reached near college in Dhamala in a private vehicle,



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there SI Rajesh Kumar of Flying Team Panchkula was present along with his team, he informed me about the secret information. I and CM Flying Team Panchkula reached the ration depot in village Dhamala, the depot holder Dharam Singh was found present. I checked the online stock with POS machine no. 10710010020, and found to be flour 892-01 KG, PM wheat 205-04KG sugar 86-02 KG wheat 42 KG. On inspection of the depot flour 2910 KG, sugar 285 KG and wheat 200KG was found. After that, in village Kunjal Jattan machine no 107100100160, as per online stock flour 5162-06 KG, wheat 4056-05 KG, sugar 736-44 KG was found, whereas during depot checking, flour 230 KG and sugar 39 KG was found at the depot. On matching, in both the machines, flour 2914 KG, sugar 4.98 KG, wheat 406 KG, Regular wheat 42 KG were found less, about which depot holder Dharam Singh told that I have given an application regarding shortage ration in DFSC office Yamuna Nagar, because this shortage of ration is from the time of then depot holder Mohammad Hashim. Thereafter, as per online stock record at ration depot of village Retgarh, according to machine 107100100013, flour 10496-34 KG OM WHAT 83 KG, Sugar 575-02 KG was found to be. During the spot inspection, 14509 KG flour, Sugar 1073 KG, wheat 1370-96 KG was found less at the depot. Similarly with POS machine no. 107100100056, flour 4503-55 KG, wheat 4140-01 KG were found as per the online records. Whereas during the spot inspection, 9489 KG flour, 556-96 KG sugar and wheat 1370-13 KG were found missing, regarding which Baldev Kumar said that he has the attached supply of Dudhla.

This ration has been received short from the time of Mohammad Hashim of village Dudhla because he has all these attached villages machines and the ration depot of village Dudhla, Kujjal Jattan and other villages, he had informed the DFSC office about this shortage from the time of Mohammad Hashim, as Mohammad Hashim resident of Dudhla had reduced the ration flour 2999 KG, sugar 1054-96 KG, wheat 5473-13 KG of the ration depot of village Dudhla and Kujjal Jattan and other attached villages, by not distributing ration to the public had causing loss to Haryana government and undue benefit to oneself, has committed the crime under section 7/10/55 EC ACT, 420 IPC, against which legal action should be taken. SD SUKHCHAIN SINGH Sukhchain Singh Inspector Food and Supply and Consumer Affairs Yamunanagar 8295212902 DT. 05.04.2023.



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Police proceedings: Today on 05.04.23, Sub Inspector Rajesh Kumar No. 89/A CM Flying Squad Panchkula Haryana received a telephonic information at police station that a raid is to be conducted at Mohd. Hashim Ali ration depot holder Dudhla, under the chairmanship of Inspector Sukhchain Singh of Food Supply Department send IO, on which information I SI along with HC Ashok Kumar No. 527/YNR reached the house of Hashim Ali, the spot of incident at village Dudhla, where Sukhchain Singh Inspector Food, Supply and Consumer Affairs Yamunanagar and SI Rajesh Kumar No. 89/A along with staff in government vehicle were found present, Inspector Sukhchain Singh presented an application and slips of POS machine data stock to me, which was taken into police possession by a separate memo, on application crime under section 7/10/55 EC ACT or Public Distribution System 2022 and 420 IPC has been found to have occurred. An written article has been sent to police station through HC Ashok Kumar No. 527/YNR. After registering the case, the FIR number should be informed. I am busy at the spot with the complainant. The SHO should be informed. At house of Hashim Dudhla Sd MANSA RAM PS Sadar YNR DT. 05/04/23 AT Police Station At this time P/SI Rahul Tyagi is present at the police station, meanwhile on receiving of article in the police station through HC Ashok Kumar No. 527/YNR, FIR No. 159 dated 05.04.23 is registered under Section 7-10-55 EC Act, 420 IPC at Police Station Sadar Yamuna Nagar and copies of FIR were prepared on the computer, will be sent to the service of the officers by Post. The officer HC Ashok Kumar No. 527/YNR who brought the original document along with the police is being sent to the investigation officer. The entry record was done as per the procedure.”

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and their family.

5. The State's counsel opposes bail.

REASONING:

6. Allegations against the petitioner are that he being authorized distributor of Public Distribution System for Village Damla, Kunjal Jattan and Retgarh from the year 1987 to 2023, has misappropriated the ration which was to be distributed amongst the public and



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cheated the government of Haryana. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

7. The Police did not arrest the petitioner; if they intended to arrest the petitioner, it was not impossible.

8. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage, subject to the compliance of terms and conditions mentioned in this order. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail. This order shall come into force from the time it is uploaded on this Court's official webpage.

9. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

10. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

11. This order is subject to the petitioner’s complying with the following terms.

12. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During



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the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

13. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

14. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

15. This bail is conditional, and the foundational condition is that if the petitioner repeats the offence or indulges in any non-bailable offense, the State may file an application for cancellation of this bail before the Sessions Court, which shall be at liberty to cancel this bail.

16. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

17. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

18. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

22.05.2025

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Whether speaking/reasoned: Yes

Whether reportable: No.