

2025:PHHC:161327



**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

203

CRM-M-47139-2025 (O&M)
Date of decision : 19.11.2025

Rohit Goyal**...Petitioner**

Versus

State of Haryana**...Respondent****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Mr. Ashit Malik, Senior Advocate for
Mr. Sagar Aggarwal, Advocate
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana.

MANISHA BATRA, J. (Oral)

1. Through the instant petition, filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*), the petitioner seeks grant of anticipatory bail in case arising out of FIR No. 262 dated 28.10.2024, registered under Sections 316(2) and 318(4) of BNS, 2023 (Section 316(5) of BNS, 2023 added later on) at Police Station Guhla, District Kaithal.

2. The aforementioned FIR was registered on the basis of a written complaint submitted by the District Manager, Hafed, Kaithal alleging that two firms namely M/s Goyal Food, Cheeka and M/s Atma Ram Rice and General Mills, Cheeka were allotted the work of custom milling for *Khareef* marketing season for the years 2023-24. The rice millers were required to deliver the complete rice to FCI as per the terms of the agreement/policy. 75345.37 quintals of paddy was supplied to M/s Goyal Food but it delivered only 54% of rice to FCI and also did not deliver the same within the stipulated time

2025.PHHC.161327



without giving any explanation. The rice mill was inspected and the stock kept therein was found to be deficient. Even the stock of M/s Atma Ram Rice Mill was found to be deficient. The premises of both these firms were adjacent to each other and there was a suspicion that the proprietor of both these firms have jointly misappropriated the stock of Hafed. Other violations were also shown to have been committed by them and wrongful loss to the tune of Rs.5,88,72,413/- was proved to have been caused to Hafed. After registration of the FIR, investigation proceedings were initiated. The petitioner, who is son of the proprietor of M/s Atma Ram Rice and General Mill and was shown as authorized signatory of M/s Goyal Food was nominated as accused in this case. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail before the Court of learned Additional Sessions Judge, Kaithal but the same had been dismissed, vide order dated 28.07.2025.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He has no concern with M/s Goyal Food. There was no entrustment of stock of paddy to him in any capacity and, therefore, no question of his embezzling any property belonging to the complainant has arisen. He was neither the owner nor the guarantor of M/s Goyal Food. In fact, accused Neeru Bala, who is his sister-in-law, has submitted bank guarantee to the tune of Rs.25 Lakhs in favour of Hafed and had handed over certain security cheques. He had no role to play in the entire transaction of getting stock of paddy from the complainant or delivery of rice to it. The dispute between the parties is of civil nature. The matter has already been referred to arbitration. He had been made to sign a letter pad of M/s Goyal Food during the course of investigation. He is not the authorized signatory of any of the

2025.PHHC.161327



said firms. The ingredients for commission of offence punishable under Section 316(5) of BNS, 2023 are not attracted at all qua him. Even otherwise, the offences under Sections 316(5) and 318 of BNS, 2023 are ante-thesis to each other. The petitioner is ready to join the investigation. No recovery is to be effected from him. His custodial interrogation is not required. No useful purpose would be served by detaining him into custody. It is, therefore, urged that the petition deserves to be allowed.

4. Per contra, learned State counsel has argued that the petitioner was authorized to submit the documents regarding custom milling relating to the years 2023-24 to Hafed by accused Neeru Bala, proprietor of M/s Goyal Food, who in collusion with the co-accused and the petitioner misappropriated the paddy belonging to the complainant and caused huge loss of money. The material documents are to be recovered from the petitioner. For that purpose, his custodial interrogation is required. No exceptional or extraordinary circumstance has been made out in favour of the petitioner for grant of anticipatory bail. Hence, it is urged that the petition is liable to be dismissed.

5. This Court has heard the rival submissions of both the sides.

6. The petitioner is alleged to be an authorized signatory of proprietor M/s Goyal Food, Cheeka, who had allegedly misappropriated paddy worth Rs.5,88,72,413/- supplied by the complainant-Hafed for custom milling. It is not the case of the prosecution that he was either proprietor of the either of the abovementioned firms or was responsible for day to day conduct of business of the firms in any manner whatsoever. It is not clarified as what document is to be recovered from him. Simply because that a document (Annexure R/2) is shown to have been signed by the co-accused authorizing

2025:PHHC:161327



the present petitioner for the purpose of some documents, it does not mean that he has committed the subject offences. Given the nature of the allegations levelled against the petitioner, it is a debatable question as to whether the subject offences, for which he has been booked along with the co-accused, are attracted against him or not? The proprietor of the said firm has already initiated arbitration proceedings. The case is based on documentary evidence and these documents can be secured by the complainant from the proprietor of the firm. Keeping in view the aforesaid facts and circumstances, this Court is of the considered opinion that a case for grant of concession of anticipatory bail to the petitioner has been made out. It is well settled that pre-trial incarceration of an accused cannot be replica of post sentence period. Hence, no purpose would be served by detaining the petitioner in custody. Accordingly, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the compliance of conditions envisaged under Section 482(2) of BNSS. He is directed to appear before the Investigating/Arresting Officer to join investigation within a period of ten days from today or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on bail subject to his/her satisfaction.

7. It is made clear that any observation made herein above is only for the purpose of deciding the present petition and the same shall have no bearing on the merits of the case.

19.11.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No