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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-10876-2025

Date of decision : 19.02.2026

Uploaded on : 19.02.2026

PREM CHAND JINDAL

... Petitioner

Versus

STATE OF HARYANA & ANOTHER

...Respondents

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Brijesh Kaushik, Advocate
for the petitioner.

Mr. Viney Phogat, DAG, Haryana.

Mr. Ashwani Gupta, Advocate and
Mr. Rakesh Roy, Advocate
for respondent No.2.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 BNSS, 2023 is for the grant of anticipatory bail to the petitioner in case FIR No.5 dated 01.02.2025 registered under Sections 316(2), 316(5), 318(4) and 61(2) of BNS and Section 13(1)(a) of Prevention of Corruption Act, 1989 at Police Station Anti Corruption Bureau, Ambala, Haryana.

2. The present FIR came to be registered at the instance of Anti Corruption Bureau, Ambala and the same reads as under:-

"Sir, the copy of note is as following:-

To

The Station House Officer

Anti-Corruption Bureau

Ambala Division, Ambala



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Sir,

It is requested that as per enquiry no.02 dated 29.01.2025, Ambala from Chief Secretary Vigilance Department, Chandigarh vide letter No.55/01/2025-3VII dated 28.01.2025, Office of Additional Director General of Police, Anti-Corruption Bureau Haryana, Panchkula Endst. No.1872/1-1/I ACB (H) dated 29.01.2025 received for investigation, after registration at Office of Superintendent of Police, Anti- Corruption Bureau, Ambala Division, Ambala vide Diary No.190 dated 29.01.2025. On the basis of secret reports along with other charges it was also alleged that Ambey Rice Mill, Bakhtua of Shri Prem Chand has sold the rice kept on surety by the government in open market after preparing it from paddy. If allotted paddy to Ambey Rice Mills is physically checked immediately then secured paddy of government will be found less by 15 to 20 thousand bags. The value of the same could be 1.25 crores to 1.75 crores. In furtherance of enquiry into the allegations on Ambey Rice Mills, Bakhtua for physical verification after constituting the team comprising of Inspector Rajesh Kumar, Inspector Devender Kumar (C.D.C.), A.S.I. Rajiv Kumar, Head Constable Jas Pal, Head Constable Jai Bhagwan, Head Constable Jai and after approval from Office of Superintendent of Police, Anti- Corruption Bureau, Ambala and involving in the team Shri Ravi Prakash Manager Haryana State Cooperative Supplies and Marketing Federation Limited (HAFED), Naraingarh, Smt. Meenakashi Garg Inspector and Vikas Papneja, Inspector at Office of District Food and Supplies Department, Ambala physical verification was conducted in the presence of Shri Baljinder, Clerk of Ambey Rice Mill. During the inspection it was found that total 58793.25 Quintal of paddy was received at Ambey



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Rice Mill Bakhtua from Naraingarh and other adjoining Mandis. After perusing the Stock Register it is found that on date 29.01.2025 in the register 39432 Quintal paddy has been mentioned, however, during the physical verification stock of 33320.18 Quintal was found at Ambey Rice Mill. In the same manner stock of rice is 5722 quintal rice was shown in register, whereas, on physical verification at Ambey Rice Mills, Bakhtua 1549.38 quintal rice was found in stock and 8310.98 quintal rice was delivered to FCI Godowns. As per Food and Supplies Department Inspector Meenakshi Garg, Inspector Vikas and Ravi Prakash Manager, HAFED, Naraingarh present with team quantity of total rice was converted into paddy as per specific procedure. During the physical verification total 48037.13 Quintal paddy (paddy rice (Converted in Paddy) was found to be sent at Ambey Rice Mill and government agency FCI. Therefore, during physical verification out of total 58793.25 Quintal paddy with Ambey Rice Mill, shortage of 10756.12 Quintal paddy (58793.25-48037.13) was found less during physical verification. The government has purchased above mentioned PR paddy at the rate of ₹2320/- per Quintal. The estimated value of shortage of 10756.12 Quintal is about ₹2,50,00,000/-. Therefore, Proprietor Prem Chand S/o Shanti Swroop S/o Rulia resident of House No.22, Sector-28, Chandigarh of Ambey Rice Mill as Manager / Businessman has misappropriated government paddy and breached trust of government paddy amounting to Rs.2,50,00,000/- and by concealing the genuine stock of paddy and rice present on the spot has shown wrong statistics in the Stock Register, has committed cheating. At this prima facie evidence for commission of offences to register the case U/s 316(2), 316(5), 318(4) of The Bharatiya Nyaya Sanhita against above mentioned Prem Chand S/o Shanti Swroop and also suggested that during the investigation to initiate further



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necessary action as per rule in case of involvement of Officers / Officials of Office of District Food Supplies Department or any other persons. Besides of the after registration of case the charges levelled are, (01). The approved capacity of Ambey Rice Mill at village Bakhtua is 2 Ton and as per the prevailing policy of government the owner of 2 Ton approved owner of Mill can be allotted 5000 MT (Metric Ton) paddy and if the Mill is leased out to any other person then not more than 4000 MT (Metric Ton) paddy cannot be allotted. Shri Prem Chand owner of Mill in connivance with Shri Vinod Dubey, Inspector, Food and Supplies Department and Officers/Officials of Office of Food Supplies Department Ambala in place of 4000 MT (Metric Ton) paddy has got approval of 1 Lakh 57 Thousand bag paddy (about 5887 MT) for above mentioned Mill. It is not right as per rules. Charge No. (02). As mentioned condition in the policy issued by the government the owner of Mill of recipient of paddy have to give Cheque of ₹50 Lakh per Ton capacity as guarantee in favour of DFSC/ DM. Besides of these owner of Mill has to give F.D. of ₹25 Lakh for per Ton capacity and for further ton F.D. of ₹5 Lakh as guarantee in favour of DFSC/ DM. However, Shri Prem Chand has submitted F.D. of ₹8.50 Lakh as guarantee. Shri Prem Chand in connivance with the Officers / Officials of Food Supplies Department Ambala has not provided guarantee and security as per conditions. Regarding this as suggested by the intensive investigation the final Enquiry Report was sent to this office letter No.406/ A.C. Bureau dated 31.01.2025 at the Office of Additional Director General of Police, Anti- Corruption Bureau Haryana, Panchkula. At this order has been received from Additional Director General of Police, Anti- Corruption Bureau Haryana, Panchkula vide Endst. No.2089/1-1/1 ACB (H) dated 01.02.2025 to register F.I.R. against above mentioned Prem Chand S/o Shanti



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Swroop S/o Rulia resident of House No.22, Sector-28, Chandigarh U/s 316(2), 316(5), 318(4) The Bharatiya Nyaya Sanhita and during the investigation in case of involvement of Officers/ Officials of Office of District Food Supplies Department or any other persons are found then it should also be noticed. The Note is enclosed. After registration of First Information Report, the copies as special reports be sent to Illaqa Magistrate and Senior Officers. The copy, case file for further investigation be handed over to Investigating Officer.”

3. The learned counsel for the petitioner contends that the petitioner is of the age of 89 years and has been falsely implicated in the present case. The paddy delivered to the mill of the petitioner is as per norms. The petitioner has complied with all the formalities and had delivered the requisite cheques as well as surety as demanded by the Food and Supply Department and is still ready and willing to do the needful. The instant FIR has been registered on account of the fact that some other rice millers are inimical to the petitioner. Though, there is a shortfall in delivery of rice to the FCI (respondent No.2), 22 trucks of paddy are ready to be delivered to the FCI (respondent No.2). As the petitioner is ready and willing to join investigation, he be granted the concession of anticipatory bail.

4. The learned State counsel while referring to the reply dated 06.03.2025 contends that when physical verification took place at M/s Ambey Rice Mills there was a huge shortfall of paddy as is apparent from the verification report dated 29.01.2025 (Annexure R-1). In fact, the petitioner has misappropriated Govt. paddy amounting to



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Rs.2,50,00,000/- in connivance with the officers/officials of the Food and Supply Department and the investigation in that regard is still pending. During the course of the pendency of the instant petition, the petitioner has made an averment that he is ready and willing to make good the loss of paddy by supplying the same to the FCI (respondent No.2). The said paddy has not been supplied till date. Be that as it may, in view of the judgments of the Hon'ble Supreme Court in the cases of **Gajanan Dattatray Gore Vs. The State of Maharashtra & another, 2005 SCC Online SC 1571** and **Prantik Kumar & another Vs. The State of Jharkhand & another**, bail cannot be granted only on account of the fact that an accused has made good the loss and the bail application is to be adjudicated upon on merits alone. In the instant case, as the offence is *prima facie* established and the investigation is to be taken to its logical conclusion, the custodial interrogation of the petitioner is certainly necessary. He, therefore prays that the present petition is liable to be dismissed.

5. The learned counsel for respondent No.2-FCI while referring to the status report by way of affidavit of Amitabh Kumar, Divisional Manager, Food Corporation of India, Karnal states that the petitioner has misappropriated Government paddy amounting to Rs.2,50,00,000/- and thus caused huge lose to the exchequer. He has sought repeated opportunities to supply the remaining rice as is apparent from the interim orders passed by this Court from time to time.



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However, not only has the rice not been supplied but now, in view of the policy of the Government, the FCI (respondent No.2) cannot even accept the rice even if the petitioner is ready and willing to supply the same. As the offence is *prima facie* established and the investigation is to be taken to its logical conclusion including but not limited to unearthing the larger conspiracy along with the other co-accused, his custodial interrogation is certainly required and therefore, the petitioner ought not to be granted the concession of anticipatory bail.

6. I have heard the learned counsel for the parties.

7. The Hon'ble Supreme Court in the case of ***Sumitha Pradeep Vs. Arun Kumar C.K. & Anr.*** **2022 Live Law (SC) 870** held that merely because custodial interrogation was not required by itself could not be a ground to grant anticipatory bail. The first and the foremost thing the Court hearing the anticipatory bail application is to consider is the *prima facie* case against the accused. The relevant extract of the judgment is reproduced hereinbelow:-

“It may be true, as pointed out by learned counsel appearing for Respondent No.1, that charge-sheet has already been filed. It will be unfair to presume on our part that the Investigating Officer does not require Respondent No.1 for custodial interrogation for the purpose of further investigation.

Be that as it may, even assuming it a case where Respondent No.1 is not required for custodial interrogation, we are satisfied that the High Court ought not to have granted discretionary relief of anticipatory bail.



We are dealing with a matter wherein the original complainant (appellant herein) has come before this Court praying that the anticipatory bail granted by the High Court to the accused should be cancelled. To put it in other words, the complainant says that the High Court wrongly exercised its discretion while granting anticipatory bail to the accused in a very serious crime like POCSO and, therefore, the order passed by the High Court granting anticipatory bail to the accused should be quashed and set aside. In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, then that alone would be a good ground to grant anticipatory bail. Custodial interrogation can be one of the relevant aspects to be considered along with other grounds while deciding an application seeking anticipatory bail. There may be many cases in which the custodial interrogation of the accused may not be required, but that does not mean that the prima facie case against the accused should be ignored or overlooked and he should be granted anticipatory bail. The first and foremost thing that the court hearing an anticipatory bail application should consider is the prima facie case put up against the accused. Thereafter, the nature of the offence should be looked into along with the severity of the punishment. Custodial interrogation can be one of the grounds to decline custodial interrogation. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.



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8. As regards the grant of regular bail or anticipatory bail subject to the deposit of an amount, it may be pertinent to mention here that in **Gajanan Dattatray Gore**(supra), the Hon'ble Supreme Court held as under:-

“19. By this order, we make it clear and that too in the form of directions that henceforth no Trial Court or any of the High Courts shall pass any order of grant of regular bail or anticipatory bail on any undertaking that the accused might be ready to furnish for the purpose of obtaining appropriate reliefs.

20. The High Courts as well as the Trial Courts shall decide the plea for regular bail or anticipatory bail strictly on the merits of the case. The High Courts and the Trial Courts shall not exercise their discretion in this regard on any undertaking or any statement that the accused may be ready and willing to make.

21. This practice has to be stopped. Litigants are taking the courts for a ride and thereby undermining the dignity and honor of the court.

22. We hope and trust that the High Courts as well as the Trial Courts across the country do not commit the same mistake again.

23. In the case in hand, so far as the plea for regular bail is concerned, we are not inclined to look into. The appellant has made a mockery of justice. He could be said to have abused the process of law. If at all the High Court wanted to release the appellant on bail, it should have first asked him to deposit the amount within a particular period of time and upon such deposit the appellant could have been released.

24. Be that as it may, now we have made ourselves very clear that there shall not be a single order that the High Courts and



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the Trial Courts shall pass for grant of regular bail or anticipatory bail on the basis of any accused or his/her family members giving an undertaking to deposit a particular amount. The plea shall be decided strictly on merits in accordance with law. If the case is made out on merits the court may exercise its discretion and if no case is made out on merits the court shall reject the plea for regular bail or anticipatory bail as the case may be. However, in any circumstances the High Courts or trial courts shall not pass a conditional order of regular bail or anticipatory bail.”

(Emphasis supplied)

Similarly, in **Prantik Kumar**(supra), the Hon’ble Supreme Court held as under:-

“8. It is very unfortunate that despite this Court saying in so many words that grant of regular bail or the anticipatory bail should not be subject to deposit of any amount, the High Court has said that the petitioners should deposit the balance amount of Rs.9,12,926.84.

9. In our Judgment, referred to above, we made ourselves very clear that if a case for grant of bail or anticipatory bail is made out, then the Court should proceed to pass an appropriate order and if not made out, the Court may decline, however, Court should not pass a conditional order of deposit of a particular amount and then exercise its discretion.”

(Emphasis supplied)

9. A cumulative reading of the aforementioned judgments would reveal that anticipatory bail ought not to be granted where an offence is *prima facie* is made out. Further, neither anticipatory bail nor



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regular bail can be granted merely on the accused furnishing an undertaking that he is ready and willing to make good the loss.

10. Coming back to the facts of the present case, a perusal of the FIR and the investigation conducted so far would reveal beyond shadow of doubt that the petitioner has defalcated paddy amounting to Rs.2,50,00,000/-. Therefore, *prima facie*, the offence is made out. Further, though the petitioner has repeatedly undertaken to make good the loss during the pendency of the instant petition, firstly, the petitioner has not delivered 22 trucks of rice to the FCI (respondent No.2) and FCI/respondent No.2 has refused to accept the same. Further, in view of the judgments in Gajanan Dattatray Gore(supra) & Prantik Kumar(supra), the question of grant of anticipatory bail or regular bail only on the said undertaking of making good the loss does not arise.

11. In view of the aforementioned discussion, I find no merit in the present petition. Therefore, the same stands dismissed.

12. However, the observations made hereinabove are only for the purposes of deciding this bail petition and the Trial Court is free to adjudicate upon the matter on the basis of the evidence led before it uninfluenced by any such observations made herein.

(JASJIT SINGH BEDI)
JUDGE

19.02.2026
JITESH

Whether speaking/reasoned:- Yes/No
Whether reportable:- Yes/No