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**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-13099-2026

Date of Decision:11.03.2026

YASHBIR

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Vivek Goyal, Advocate
for the Petitioners.

Mr. Vipul Sherwal, Asstt. A.G., Haryana.

JASJIT SINGH BEDI, J.(ORAL)

The prayer in this 2nd petition under Section 482 BNSS, 2023 is for the grant of anticipatory bail in case bearing FIR No.836 dated 30.10.2025 registered under Sections 316(2), 316(5), 318(4), 338, 336(3) and 340(2) BNS at Police Station Sadar, District Karnal.

2. The learned counsel for the petitioner contends that the allegations levelled against the petitioner are baseless. The Local Commissioner appointed by the Civil Court found no shortfall in the stock which was found to have been stacked within the mill premises. The allegations are vague, general in nature unsupported by credible evidence and the petitioner was not a beneficiary of the alleged irregularity. The earlier bail application of the petitioner was withdrawn on account of certain miscommunications between the petitioner and his then counsel. As he is ready and willing to join investigation, he be granted the concession of anticipatory bail.



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3. On the other hand, the learned State counsel contends that the petitioner sought the concession of anticipatory bail and when a Coordinate Bench of this Court was not inclined to grant the same, the said petition was withdrawn on 09.02.2026 (Annexure P-7). The clear implication thereof was that the petitioner would surrender and seek regular bail. Instead, he has filed the instant petition without any change in circumstances whatsoever. This second petition after withdrawal of the first petition is not maintainable in view of the judgment of the Hon'ble Supreme Court in **Mohd. Sharif Siddiqui @ Sharif Siddiqui Vs. The State of Uttar Pradesh & another, SLP (Crl.) No.11316 of 2022, decided on 07.12.2022.**

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

5. The first bail application of the petitioner came to be dismissed as withdrawn vide a detailed order dated 09.02.2026 (Annexure P-7). The said order is reproduced hereinbelow:-

CRM-5068-2026

The present application has been filed for seeking an interim relief.

Counsel contends that he could not hear the order passed on 28.01.2026 directing the matter to be heard along with the connected petition. He submits that the petitioner be granted an interim relief or alternatively the hearing be preponed.

It was submitted that owing to absence of an interim order, the client is asking for a fee refund.

State counsel has no objection to the preponement of the hearing.

The instant application is thus disposed of with the consent of the parties, by preponing the date of hearing from 09.03.02026 and the main case is taken up today. The application is hence rendered infructuous.



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Main case

This is the first petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, for grant of pre-arrest bail to the petitioner in case bearing FIR No.836 dated 30.10.2025, under Section(s) 316(2), 316(5), 318(4), 338, 336(3) and 340(2) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Sadar, District Karnal.

FIR in the present case was registered on the complaint made by Anil Kumar, District Food, Civil Supplies and Consumer Affairs Controller, Karnal. The translated version of the same reads thus: -

“Subject: Regarding taking action upon finding lesser quantity of the allotted paddy during physical inspection in Kharif Season 2025-26 at M/s Battan Foods, Village Salaru, District Karnal. With reference to the above subject and with reference to Deputy Commissioner Office, Karnal letter no.364/95 dated 29.10.2025. Regarding the subject matter, you are hereby informed that for the physical inspection of the paddy allotted to M/s Battan Foods, Village Salaru, District Karnal for milling during the Kharif Season 2025-26, team was constituted on date 24.10.2025 under the leadership of SDM Karnal by the Deputy Commissioner Karnal. The constituted team conducted the physical inspection of the said rice mill on date 25.10.2025. In the physical inspection, it was found that up to date 25.10.2025, the said rice mill had been allotted 67013 bags of P.R. paddy (25129.87 quintals of paddy), out of which, in the presence of Prof. Shri Satish Kumar of Battan Foods, Karnal, counting was got done at two places, namely: M/s M/s Battan Foods, Village Salaru, District Karnal -33254 bags, and Bhatia Open Plathi, Jundla - 30853 bags. As per the record no permission had been obtained from the office by the said rice mill for keeping paddy at two separate places. Apart from this, 2906 bags (1032.5 quintals) were found short during the physical inspection. In this regard, a separate report was received from Market Committee Jundla, which, through their office



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letter number 1028 dated 27.10.2025, stated that the bags of P.R. Paddy found at Bhatia Plathi did not include any bag of M/s Battan Foods, Village Salaru, District Karnal (copy attached). The details of the rice mills whose stock was found at Bhatia Plathi Jundal are as follows: Sr. No.4. Name of rice Mill- M/s Radhe Rice Mill, Jundla Place and time of physical inspection Bhatia Plathi, 04:00 PM Number of bags 30889. Sr. No.5, Name of Rice Mill M/s Shakti Rice Mill, Jundla Place and time of physical inspection Bhatia Plathi, 04:09 PM Number of bags - 33045. Sr. No.6 Name of Rice Mill - M/s Bhole Nath Rice Mill, Jundla Place and time of physical inspection - Bhatia Plathi, 05:31 PM Number of bags-49622. Upon perusal of the above reports, it has been found that M/s Battan Foods, Village Salaru, District Karnal, 33254 bags (12500.18 quintals) of P.R. paddy were found. In addition, the bags shown by the firm at Bhatia Open Plathi, Jundla, were shown without any documents and by concealing facts, which cannot be considered as stock of the mill. In this manner, a total of 33759 bags (12659.62 quintals) were found short during physical inspection at M/s Battan Foods, Village Salaru, District Karnal, which is matter of financial irregularity and misuse of government funds. The said rice mill was transferred paddy from the following mandis of District Karnal: Sr. No.1 Name of Mandi: Gharaunda Number of gate passes - 6 Quantity of transferred paddy (in quintals)-1905.75 Inspector/Mandi Incharge - Shri Yashveer Singh, Inspector. Sr. No.2-name of Mandi: Jundla Number of gate passes-78 Quantity of transferred paddy (in quintals) - 21668.25 Inspector/Mandi Incharge - Shri Sandeep Singh, Inspector. Sr. No.3 - Name of Mandi: Karnal Number of gate passes-12 Quantity of transferred paddy (in quintals) 3621.375 Inspector/Mandi Incharge Shri Sameer Vashisth, Inspector. Sr. No.4- Name of Mandi: Nissing Number of gate passes-3 Quantity of transferred paddy (in quintals) 1229.25 Inspector / Mandi Incharge Shri Lokesh, Inspector. Total number of gate passes 99 total quantity of



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transferred paddy (in quintals)-28424.625. In addition to this, you are also informed that M/s Battan Foods, Village Salaru, District Karnal has given an affidavit dated 10.10.2025, in which it is shown that Bhatia Plathi, Jundla had given its plathi on rent to Battan Food, Karnal from date 11.10.2025 to 10.11.2025 for storing paddy, on which appear the signatures of a person named Ajay Bhatia. However, as per Market Committee Jundla letter number 1028 dated 27.10.2025, no plathi was taken on rent at Bhatia Plathi Jundla by M/s Battan Food, Salary Road, Karnal for drying/storage of paddy. At the time of physical inspection, Shri Satish Kumar son of Shri Maya Ram, by presenting a wrong report before the PV team with his own signature, misled the department, from which it appears that Shri Satish Kumar son of Shri Maya Ram and M/s Battan Food, Salaru Road, Karnal with dishonest intention to misappropriate the paddy even before the allotment of paddy purchase, submitted before the department the agreement file alongwith their affidavit. Report number 5297 dated 29.10.2025 of the Sub Divisional Officer, Karnal, which was submitted to the Deputy Commissioner, Karnal, shows that the bags shown by the firm (M/s Battan Foods, Village Salaru, District Karnal) at Bhatia Open Plathi Jundla, without any documents and by concealing facts, cannot be considered as part of the mill stock. In this manner, M/s Battan Foods, Village Salaru, District Karnal, by giving a false affidavit/forged signatures and presenting incorrect facts before the inspection team, embezzled 33759 bags (12659.62 quintals) whose estimated price, including MSP cost, mandi charges, transport charges and other expenses at approximately Rs.2800 per quintal, is about Rs.3,54,46,936/- of Government money. Therefore, keeping the above in view, you are informed that in the shortage of paddy found in the said mill, the negligence and involvement of Shri Satish Kumar son of Shri Maya Ram, Proprietor, M/s Battan Food, Salary Road, Karnal, the concerned four inspectors (Shri Yashveer Singh, Shri



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Sandeep Sharma, Shri Sameer Vashisht and Shri Lokesh), the concerned transporter and arhtiyas is apparent. Therefore, appropriate legal action be taken against all the aforesaid accused persons so that the Government may be saved from financial loss.”

Learned counsel appearing for the petitioner(s) contends that a detailed order with respect to the co-accused has been passed by this Court after noticing that stock had been recovered. He submits that the case of the petitioner deserves to be treated at par. Further, a startling argument has been raised by the counsel for the petitioner that since interim relief had earlier not been granted to the petitioner, by this Court on 28.01.2026, and the matter was simply adjourned, hence, his client is seeking return of the fee charged by him. The aforesaid revelation by the counsel for the petitioner is shocking and alarming. A lawyer is engaged for presentation of the case and the fee is never contingent to the outcome of the case or settled for relief. Contingent nature of the fee, as has been informed by the counsel for the petitioner, undermines the noble profession of advocacy.

Faced with the above, counsel for the petitioner submits that he does not want a determination on merits and seeks withdrawal of the present petition.

Dismissed as withdrawn.”

6. In **Mohd. Sharif Siddiqui @ Sharif Siddiqui** (supra), the Hon’ble Supreme Court has held that if the first bail application has been withdrawn with liberty to surrender before the Trial Court and apply for regular bail and there are no change in circumstances then a second bail application for the grant of anticipatory bail is not maintainable. In the instant case, once the petitioner withdrew his first bail application on 09.02.2026 the implication was clear that he would surrender and apply for regular bail. If he had wanted to approach the Hon’ble Apex Court then he



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would have sought an adjudication on merits at the very first instance.

7. In view of the above, I find no merit in the present petition.

Therefore, the same stands dismissed.

(JASJIT SINGH BEDI)
JUDGE

11.03.2026

Jitesh

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>