



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

251**CRM-M-13963-2026****Date of decision : 18.03.2026****Date of uploading : 18.03.2026****ANKUSH GARG****.....Petitioner****Versus****STATE OF HARYANA****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Vivek Goyal, Advocate for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana.

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.362 dated 19.09.2024 under Sections 238(a), 316(2), 318(4) of BNS (Sections 338, 336(3), 340(2), 339, 61(2) of BNS added later on) registered at Police Station Taraori, Karnal.

2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

"The copy of the writing is as follows: Sender: Inspector, Food Civil Supplies and Consumer Affairs Department, Taraori. To, The Worthy Manager Officer, Police Station Taraori, District Karnal.

Memo No: 246 Date: 13/09/2024. Subject: Application for registering a case and necessary legal action against: Ankush Garg, son of Shri Brij Mohan Garg, resident of Ward No. 0-4, Taraori, District Karnal, owner of M/s V.V. Industries, Pakhana/Saukra Road, Taraori (Mob: 98961-11101). Vishal Garg, son of Shri Brij Mohan Garg, resident of Ward No. 0-4, Taraori, District Karnal. Jalo Rishidev, son of Shri Narayan Rishidev, Guarantor, Karnal, Proprietor/Partner of M/s Shri Shyam Trading Company, Shop No. 0-448, New Grain Market, Taraori, District Karnal. Bikram Kumar, son of Shri Vijay Ray, Proprietor of M/s Vishnu Traders, Shop No. 0-441, New Grain Market, Taraori, District Karnal. Sir, the applicant makes the following request: That the applicant, Rajiv Kumar, is



employed as an Inspector in the Food and Supplies Department, Karnal, and is currently posted as an Inspector in Taraori, District Karnal. That during the paddy season of the year 2023-24, a total of 4196 Metric Tonnes (MT) of paddy was given to M/s V.V. Industries, Taraori for milling by the Food and Supplies Department, Karnal. An agreement was executed in this regard between the Food and Supplies Department, Karnal, and the second party, M/s V.V. Industries, Taraori. That Accused No. 1 is the proprietor of M/s V.V. Industries, Taraori; Accused No. 2 is the brother of Accused No. 1. Accused No. 3 and 4 are involved as guarantors. Out of the aforementioned paddy, a total of 2793.23 Metric Tonnes of rice was to be returned to the Government after milling at a rate of 67%. However, the said firm failed to mill the paddy and deliver the rice on time. Despite repeated written notices given to M/s V.V. Industries, Taraori, they did not deliver the Custom Milled Rice (CMR) to the Food Corporation of India (FCI) as per the delivery ratio. On 13.09.2024, a physical inspection of M/s V.V. Industries, Taraori was conducted by the Food and Supplies Department, Karnal. During the inspection, it was found that there was neither paddy nor rice present in the mill. To date, the aforementioned accused persons have supplied only 345 Metric Tonnes of rice to the Food Corporation of India. In this manner, a total balance of 2448.23 Metric Tonnes of rice remains outstanding with M/s V.V. Industries, Taraori. Based on the physical inspection report The owner of M/s V.V. Industries Tarawadi, Ankush Garg, A.F.S.O. Tarawadi Rajiv Langyan, Rajiv Kumar (Inspector), and Sandeep (Sub-Inspector) affixed their respective signatures. When the Inspector repeatedly asked the owner of the aforementioned firm about the government rice and paddy-specifically where the 2448.23 Metric Tonnes of rice (3654 MT Paddy) was located-the aforementioned accused persons could not provide any answer. In this manner, the owner of V.V. Industries, in collusion with other accused persons, misappropriated/embezzled the paddy and rice belonging to the Food and Supplies Department, Karnal. By doing so, they caused a total loss of ₹9,94,80,164/- (Nine Crores, Ninety- Four Lakhs, Eighty Thousand, One Hundred and Sixty-Four Rupees) to the Food and Supplies Department, Karnal. Therefore, it is requested of your honor that legal action be taken against the owner of M/s V.V. Industries Tarawadi and other guarantors, and the total 2448.23 Metric Tonnes of rice belonging to the department be recovered. With thanks. Dated: 13.09.24 SD Sd/- Rajiv xxx xxx."

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 09.08.2025. Learned counsel has further submitted that the FIR in question emanates from a contractual obligation, for which the FIR-complainant ought to have invoked civil remedy(s), however, it is only under the pressure of the complainant that the police has registered the FIR in question. Learned counsel has further submitted that the trial emanating therefrom is a magisterial one and is in progress. Learned counsel has further iterated that the petitioner is aged about 43 years. Learned counsel has further urged that the petitioner has clean



antecedents. Thus, regular bail is prayed for.

4. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 17.03.2026 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case. Before delving into the matter in hand, it would be apposite to refer herein to a judgment of the Hon'ble Supreme Court titled as ***Gudikanti Narasimhulu and others vs. Public Prosecutor, High Court of Andhra Pradesh AIR 1978 SUPREME COURT 429***, relevant whereof reads as under:

“10. The significance and sweep of Article 21 make the deprivation of liberty a matter of grave concern and permissible only when the law authorising it is reasonable, even-handed and geared to the goals of community good and State necessity spelt out in Article 19. Indeed, the considerations I have set out as criteria are germane to the constitutional proposition I have deduced. Reasonableness postulates intelligent care and predicates that deprivation of freedom- by refusal of bail is not for punitive purpose but for the bi-focal interests of justice-to the individual involved and society affected.

11. We must weigh the contrary factors to answer the test of reasonableness, subject to the need for securing the presence, of the bail applicant. It makes sense to assume that a man on bail has a better chance to prepare or present his case than one remanded in custody. And if public justice is to be promoted, mechanical detention should be close to ours, the function of bail is limited, 'community roots' of the, applicant are stressed and, after the Vera Foundation's Manhattan Bail Project, monetary suretyship is losing ground. The considerable public expense in keeping in custody where no danger of disappearance or disturbance can arise, is not a negligible consideration. Equally important is the deplorable condition, verging on. the inhuman, of our sub-jails, that the unrewarding cruelty and expensive custody of



avoidable incarceration makes refusal of bail unreasonable and a Policy favouring release justly sensible.

12. *A few other weighty factors deserve reference. All deprivation of liberty is validated by social defence and individual correction along an anti-criminal direction. Public justice is central to the whole scheme of bail law. Fleeing justice must be forbidden but punitive harshness should be minimised. Restorative devices to redeem the man, even, through community service, meditative drill, study classes or other resources should be innovated, and playing foul with public peace by tampering with evidence, intimidating witnesses or committing offence while on judicially sanctioned 'free enterprise,' should be provided against. No seeker of justice shall play confidence tricks on the court or community. Thus, conditions may be hung around bail orders, not to cripple but to protect. Such is the holistic jurisdiction and humanistic orientation invoked by the judicial discretion correlated to the values of our constitution."*

5.1. Further, the Hon'ble Supreme Court in a judgment titled as ***Gurcharan Singh vs. State (UT of Delhi) 1978 (1) SCC 118***, has held as under:-

"Where the granting of bail lies within the discretion of the court, the granting or denial is regulated, to a large extent, by the facts and circumstances of each particular case. Since the object of the detention or imprisonment of the accused is to secure his appearance and submission to the jurisdiction and the judgment of the court, the primary inquiry is whether a recognizance or bond would effect that end."

5.2. Furthermore, the Hon'ble Supreme Court in a judgment titled as ***Sanjay Chandra vs. CBI (2012) 1 SCC 40***, has held as under:

"21. In bail applications, generally, it has been laid down from the earliest times that the object of bail is to secure the appearance of the accused person at his trial by reasonable amount of bail. The object of bail is neither punitive nor preventative. Deprivation of liberty must be considered a punishment, unless it can be required to ensure that an accused person will stand his trial when called upon. The courts owe more than verbal respect to the principle that punishment begins after conviction, and that every man is deemed to be innocent until duly tried



and duly found guilty.

22. *From the earliest times, it was appreciated that detention in custody pending completion of trial could be a cause of great hardship. From time to time, necessity demands that some un-convicted persons should be held in custody pending trial to secure their attendance at the trial but in such cases, "necessity" is the operative test. In this country, it would be quite contrary to the concept of personal liberty enshrined in the Constitution that any person should be punished in respect of any matter, upon which, he has not been convicted or that in any circumstances, he should be deprived of his liberty upon only the belief that he will tamper with the witnesses if left at liberty, save in the most extraordinary circumstances."*

6. The petitioner was arrested on 09.08.2025 wherein after investigation was carried out and challan stands presented on 09.10.2025. Total 16 prosecution witnesses have been cited but only 2 has been partly examined and 2 has been given up till date. It is thus indubitable that culmination of trial will take its own time. The rival contentions raised by learned counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial. This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

6.1 As per custody certificate dated 17.03.2026 filed by learned State counsel, the petitioner has already suffered incarceration for a period of 7 months and 9 days and is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds



to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.
- (vii) The petitioner shall not in any manner try to delay the trial.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

18.03.2026

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Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No