



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

107-2

CRM-M-74105-2025 (O&M)

Date of decision: 17.02.2026

Kamaldeep

....Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Nitin Sharma, Advocate for the petitioner

Ms. Gagandeep Kaur, DAG Punjab

Mr. A.P.S. Mann, Advocate for the complainant

AMAN CHAUDHARY, J. (ORAL)

1. The present petition has been filed under Section 482 BNSS for grant of anticipatory bail to the petitioner in case FIR No.153 dated 19.11.2025, registered under Sections 316(2), 61(2) BNS & 13(1), 13(2) of PC Act, at Police Station Bareta, District Mansa.

2. Learned counsel submits that the petitioner has been falsely implicated in the case on the basis of a report of the Committee, which was constituted on verbal orders. As per the GPS location of the trucks, the bags did not reach the mill, however, they were embezzled by co-accused Ashish Singh Charan and the truckers, in connivance with Ashutosh Singh, brother-in-law of the aforesaid co-accused. Thus, prays for concession of anticipatory bail.

3. Learned State counsel as also learned counsel for the complainant submit that the petitioner was allotted paddy on 28.10.2025 and had used the stack in the premises of the mill, receipt whereof was given on 17.11.2025. It is during



the physical verification of the mill in question, which neither he nor his wife joined, conducted by District Manager, Markfed that a shortage of 25923 bags was found and only 4827 have been recovered, that too at the behest of truck operators. The phone of the petitioner being switched off, his wife was contacted for the purpose of joining the physical verification, however, neither came present and he in connivance with Ashish Singh Charan, who was working as Technical Assistant of the FCI along with one Ashutosh Singh and truck operators, misappropriated the paddy. There is an allegation with regard to Nirmal Singh @ Nimma, who was munshi of the petitioner-owner of the mill of having colluded with them. They thus state that the thorough investigation still needs to be conducted for which, his custodial interrogation is required along with that of co-accused, who are all evading arrest.

4. Heard.

5. It would be apposite to refer to the status report dated 27.01.2026 filed by Deputy Superintendent of Police, Vigilance Bureau, Bathinda Range, relevant paras whereof read thus:

“ 7. ROLE OF PETITIONER:

That the petitioner is the main kingpin of the present case, the petitioner himself executed agreement to custom milling of paddy dated 28.10.2025 and further executed the receipt dated 17.11.2025 and confirmed receipt of paddy stock. Moreover, till date of physical verification and registration of the FIR, the petitioner has not moved any application to any authority. It establishes that the petitioner intentionally and willfully caused huge loss to the exchequer.

8. EVIDENCE AGAINST PETITIONER:

That there is trustworthy evidence against the petitioner to involve him in the present case. There is sufficient, solid, strong and documentary evidence against the petitioner. Nirmal Singh alias Nimma was munshi of the petition and was working as per the directions of petitioner. The petitioner was directly connected with Ashish Singh Charan who was having relations with truck operators and the truck operators already



suffered their statements that they had lifted paddy at the behest of Ashish Singh Charan and Nirmal Singh alias Nimma who were directly connected with petitioner in the conspiracy.

9. CONSPIRACY WITH THE CO-ACCUSED:

That the co-accused Asheesh Singh Charan, Technical Assistant, Food Corporation of India, Budhlada was residing in the same house with the petitioner since year 2014 and having same address on the documents i.e. UID card etc. The said Asheesh Singh Charan having cell phone No. 86999-72741 being employee of FCI was in connection with the truck operators. Moreover the tower location of the cell phone of Asheesh Singh Charan and petitioner (Mob. No. 98784-23870) has been taken on record which clearly reveals that both the accused remained together at the relevant time. The paddy was lifted away from the premises of M/s Shri Ram Rice & General Mills, Bareta through trucks on 15.11.2025 onwards 18/19.11.2025. It is worth to mention that Ashutosh Singh and Nirmal Singh co-accused have not been arrested in the present case however they filed anticipatory bails before the Id. Court of Judge, Special Court, Mansa which are fixed for 14.01.26. The above named accused i.e. petitioner, Asheesh Singh Charan, Ashutosh, Nirmal Singh and other beneficiaries of paddy are accused in the present case. The call detail link in the same tower connection is appended herewith as Annexure R/3.”

6. Relevant paras of short reply of District manager, Punjab State Cooperative Supply and Marketing Federation (Markfed)-Mansa read thus:

3. That subsequently, the District Manager Markfed Mansa (that is the deponent) received information that there was misappropriation of paddy which was being stored in the mill premises. In this regard, the deponent immediately constituted a committee of Markfed officials for physical verification of the stocks of paddy stored in the mill. The said committee comprised of Markfed Branch Incharge, Bareta Custodian of Branch Office, Bareta, a Senior Assistant, Markfed Office Mansa, Branch InCharge Sardulgarh, Branch In Charge Mansa, Field Officer Markfed Branch Mansa and the District Manager Markfed Mansa. During the course of this physical verification of stocks, attempts were made by the Markfed Mansa Staff to associate the miller in the process of verification. However, as they were unable to get across to him, the mobile number of the petitioner's wife was obtained and efforts were made to get through to the miller on the said number. On the said number, the matter was explained to the wife of the miller as well as the miller and they were requested to join in the physical verification immediately. Both of them



gave assurances that in case there was any shortage of paddy found, the same would be made up by the miller. They were called repeatedly to join the physical verification. However, they chose not to be present. Thus the verification of stocks was done in their absence and it was found that only 6040 bags of paddy were available and there was a shortage of 25923 bags of paddy in the mill. Faced with this situation, a written complaint was made to the Station House Officer Police Station Bareta. In this regard, a first information report No. 153 dated 19/11/2025 was registered in the matter. A copy of this F.I.R is attached as Annexure P-1 to the anticipatory bail application. Mistakenly in the letter dated 19/11/2025 submitted for registration of case, the date of physical inspection/verification has been mentioned as 19/7/2025. This aspect of the matter is later on clarified when the Police report on the action taken in the matter is recorded. This position is clear if a reading is done of the action taken by the Police recorded in Punjabi. This part of the F.I.R clarifies that a physical verification was conducted on 19/11/2025. Further more veracity of this fact is got from the fact that the physical verification report is dated 19/11/2025. Even otherwise, it is not plausible that an inspection was done on 19th of July and report regarding the shortage was being registered on 19th of November. On the basis of this complaint, the Police registered an FIR against the petitioner under section 316 (2) BNS. Later on, vide DDR No. 28 dated 21/11/2025, on the basis of the statement made by District Manager Markfed Mansa, the name of Ashish Singh Charan Technical Assistant Food Corporation of India, Budhlada was added as an additional accused in the first information report Thereupon. offences under section 13 (1) where read with 13 (2), Prevention of Corruption Act and Section 61 (2) BNS were added. Since offences under Prevention of Corruption Act were added, the investigation was handed over to a gazetted officer. In fact, now the investigation is being carried out by the Vigilance Bureau, Bathinda.

4. That certain additional facts concerning this case are also narrated here in. The allotment of the miller was made by the District Allotment Committee Mansa on 20/9/25. Later on, a complaint was made by Raghuvir Singh, son of Charan Singh, wherein it was asserted that he was the co-owner of the rice mill and he had not given his consent for allotment of the mill for paddy milling. The complainant that is Raghuvir Singh submitted that he along with Mr Sandeep Singh, son of Darshan Singh, had entered into an agreement to sell dated 28/4/2022 with regard to the purchase of the mill. It was also submitted by him that he along with Sandeep Singh had also paid some earnest money to Kamaldeep. As against this, it was submitted by the petitioner Kamaldeep that he was the sole



owner of the mill. He was also in full possession of the mill and the complaint was false and the complainant had never met Mr Raghuvir Singh. The agreement to sell was a forged one and even though the agreement to sell is of April 2022, the registration on the same is done on 25/9/2024. This raised serious doubts about its credibility. Further more Sh. Sandeep Singh was brought before the allotment committee by the petitioner and he submitted that he had not entered into any such agreement to sell. This complaint was examined by the District Allotment Committee Mansa and its legal adviser. It was also noticed that no final date of registration was mentioned in the agreement to sell. In the light of the above mentioned facts which went undisputed, serious doubts were there about the credibility of the agreement to sell. Consequently, the complaint was filed on 10/10/2025 by the District Allotment Committee, Mansa. It was held by the Committee that there appeared to be some dispute in the matter between Kamaldeep and Raghuvir Singh. This dispute could only be settled by a Civil Court.

5. That further more with regard to the allegations made with regard to collusion between Mr Ashish Singh and the District Manager Mansa in the anticipatory bail petition, it is submitted that the said allegations are totally false and incorrect. No documents have been placed on record to justify that the District Manager Markfed Mansa (the deponent) had pressurised the petitioner to enter into an agreement to sell with the Raghuvir Singh, who is the father-in-law of Ashish Singh Charan. If that was the case, then the petitioner should have brought these facts to the notice of the District Allotment Committee Mansa. Even otherwise, it is not clear as to what the District Manager (that is the deponent) would stand to gain by having this sale deed effected. Further more it has been found that the son of Raghuvir Singh namely Ashutosh Singh was working as an employee of Kamaldeep and was issuing receipts for gate pass accompanying paddy delivered through transport trucks. The same indicates that there is complicity between the petitioner, Ashutosh and Ashish Singh Charan. In the supplementary statement given to the police, the deponent brought to the notice of the police that Ashish Singh Charan had been a tenant of the petitioner also. Furthermore, there were business relations between the two.

8. That insofar as unexecuted sale deed dated 11/3/2025 is concerned, the same is again a matter which the Police will investigate and bring on record the facts concerning the same. However, from the same there definitely appears to be a connection between the petitioner, Ashutosh Singh and Ashish Singh Charan.”

7.

Hon'ble the Supreme Court in the case of **P. Chidambaram vs.**



Directorate of Enforcement, (2019) 9 SCC 24, has observed that, “Ordinarily, arrest is a part of procedure of the investigation to secure not only the presence of the accused but several other purposes. Power under Section 438 CrPC is an extraordinary power and the same has to be exercised sparingly. The privilege of the pre-arrest bail should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after application of mind as to the nature and gravity of the accusation; possibility of applicant fleeing justice and other factors to decide whether it is a fit case for grant of anticipatory bail. Grant of anticipatory bail to some extent interferes in the sphere of investigation of an offence and hence, the court must be circumspect while exercising such power for grant of anticipatory bail. Anticipatory bail is not to be granted as a matter of rule and it has to be granted only when the court is convinced that exceptional circumstances exist to resort to that extraordinary remedy.”

7. In **Jai Parkash Singh vs. State of Bihar** (2012) 4 SCC 379, Hon’ble the Supreme Court while relying on the judgments in the cases of **D.K. Ganesh Babu vs. P.T Manokaran** (2007) 4 SCC 434, **State of Maharashtra vs. Mohd. Sajid Husain Mohd. S. Husain**, (2008) 1 SCC 213, and **Union of India vs. Padam Narain Aggarwal** (2008) 13 SCC 305, held thus:

“6. We have considered the rival submissions made by the learned counsel appearing for the parties and perused the record.

7. The provisions of Section 438 Cr.P.C. lay down guidelines for considering the anticipatory bail application, which read as under:

“438. Direction for grant of bail to person apprehending arrest.-
(1) Where any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section that in the event of



such arrest, he shall be released on bail; and that court may, after taking into consideration, inter alia, the following factors, namely:-

- (i) The nature and gravity of the accusation;
- (ii) The antecedents of the applicant including the fact as to whether he has previously undergone imprisonment on conviction by a court in respect of any cognizable offence;
- (iii) the possibility of the applicant to flee from justice; and
- (iv) where the accusation has been made with the object of injuring or humiliating the applicant by having him so arrested, either reject the application forthwith or issue an interim order for the grant of anticipatory bail.”

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8. In view of the above, it is mandatory on the part of the court to ensure the compliance of the pre-requisite conditions for grant of anticipatory bail including the nature and gravity of the accusation.

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13. There is no substantial difference between Sections 438 and 439 Cr.P.C. so far as appreciation of the case as to whether or not a bail is to be granted, is concerned. However, neither anticipatory bail nor regular bail can be granted as a matter of rule. The anticipatory bail being an extraordinary privilege should be granted only in exceptional cases. The judicial discretion conferred upon the court has to be properly exercised after proper application of mind to decide whether it is a fit case for grant of anticipatory bail.

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21. In the facts and circumstances of this case, we are of the considered opinion that it was not a fit case for grant of anticipatory bail. The High Court ought to have exercised its extraordinary jurisdiction following the parameters laid down by this Court in above referred to judicial pronouncements, considering the nature and gravity of the offence and as the FIR had been lodged spontaneously, its veracity is reliable. The High Court has very lightly brushed aside the fact that FIR had been lodged spontaneously and further did not record any reason as how the pre-requisite conditions incorporated in the statutory provision itself stood fulfilled. Nor did the court consider as to whether custodial interrogation was required.”

9. Hon'ble the Supreme Court in **Sumitha Pradeep vs. Arun Kumar C.K.**, 2022 SCC OnLine SC 1529, observed that requirement of custodial interrogation is not the only ground to decide the grant of anticipatory bail. The relevant para reads thus:

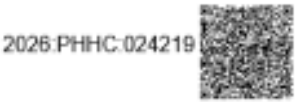


“In many anticipatory bail matters, we have noticed one common argument being canvassed that no custodial interrogation is required and, therefore, anticipatory bail may be granted. There appears to be a serious misconception of law that if no case for custodial interrogation is made out by the prosecution, 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 anticipatory bail. However, even if custodial interrogation is not required or necessitated, by itself, cannot be a ground to grant anticipatory bail.”

10. Even otherwise, the petitioner has not been able to show absence of a *prima facie* offence so as to warrant the extraordinary relief of anticipatory bail, as held by Hon’ble the Supreme Court in **Salochna Pardi vs. State of Madhya Pradesh and another**, SLP CrI. No. 18200-2025, vide judgment dated 06.01.2026.

11. It is the bounden duty of the Court to take into consideration all the facts and circumstances and after its utmost satisfaction, grant anticipatory bail only in exceptional circumstances, where all the factors and parameters are met and there is no possibility of the accused interfering in the path of justice.

12. This Court, in view of the specific and grave allegations against the petitioner, proprietor of M/s Shri Ram Rice & General Mill, of having, in conspiracy with co-accused, cheated the complainant by misappropriation of paddy, thereby causing a huge financial loss to the tune of Rs.2.6 crores; his failure to have joined the physical verification despite multiple calls to him and his



wife, does not find it a fit case to grant him the concession of anticipatory bail, as the element of criminality cannot be ruled out and permitting him to join the investigation with a protective umbrella of pre-arrest bail will hamper the thorough and effective investigation to elicit the truth; his custodial interrogation also having been stated to be imperative.

13. In view of the foregoing discussion, the present petition is hereby dismissed, being bereft of merit.

14. The observations made hereinabove are meant only for the purpose of deciding the present petition and in no manner are to be construed as an expression of opinion on the merits of the case.

(AMAN CHAUDHARY)
JUDGE

17.02.2026

M.Kamra

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