

CRM-M-63920-2024

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

CRM-M-63920-2024
Reserved on: 19.02.2025
Pronounced on: 28.02.2025

Beer Singh @ Bir Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Vinay Kumar Pandey, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
453	22.11.2024	Sadar Nuh, District Nuh	7 & 10 of Essential Commodities Act

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. Vide order dated 18.12.2024, the petitioner was granted interim bail, which continues to date.

3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

"That brief facts of the case are that on 22.11.2024, Sh. Nikesh Kumar, Sub-Inspector, Food and Supplies, came to the police station and presented a written application regarding embezzlement of 39.94 quintals of wheat, 12 kg sugar and 10.45 quintals of millet by Bir Singh S/o Puranlal, R/o Devla Nangli, PS-Sadar Nuh, which is as under:-

"To, SHO Police Station Sadar, Nuh. Memo No. IFS/Nuh-2024/571 Dated 22.11.2024. Subject:- Regarding registering the First Information Report against Shri Bir Singh, son of Shri Puranlal, depot holder, village Devla Nangli. In reference to the above subject, you are informed that in compliance with the orders of Deputy Commissioner, Nuh, the department conducted an investigation of the ration distribution of Shri Bir Singh son of Shri Puranlal depot holder working in village Devla Nangli today on

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22.11.2024 by the investigation team. During the investigation, the status of stock as per the POS machine and physically recorded with the depot holder is as follows:-

Sr. no.	Name of ration item	Stock quantity at the time of checking	Stock quantity as per POS machin/bill	Deficiency/excess/less
1	Wheat	193.70 quintal	233.64 quintals	39.94 quintals less
2	Sugar	1.85 quintal	1.73 quintal	12 kg excess/more
3	Mustard oil	540 liters	540 liters	Nil
4	Millet	278.97 quintals	268.52 quintals	10.45 quintals excess/more

In view of the above mentioned facts, the depot holder was found to have 39.94 quintals less wheat, 12 kg more sugar and 10.45 quintals more millet. By doing this, the concerned depot holder has violated the PDS Control order-2022 rules, which makes it appear that the depot holder has wasted the Government ration for his personal benefit, which comes under the purview of the "Essential Ration Commodities Act 07.10.55". Therefore, in view of the above, you are requested to take legal action against the concerned depot holder Shri Birsingh son of Shri Puran Lal resident of village Devla Nangli as per the rules under the "Essential Ration Commodities Act 07.10.55". The report is presented to you for necessary further action. Enclosure:- Page No. 1 to 6 SD - (Nikesh Kumar) Sub-Inspector Food & Supply, Nuh 9996419955 Ends. No. IFS-Nuh 2024/572 dated 22.11.2024. A copy of the above is sent to the Superintendent of Police, Nuh and it is requested that please take action in the said case as per rules. SD- (Nikesh Kumar) Sub-Inspector Food and Supply, Nuh."

4. The petitioner's counsel submits that petitioner has joined the investigation in compliance to the order dated 18.12.2024. He further prays for bail by imposing any stringent conditions. The petitioner's counsel argued that the custodial investigation would serve no purpose whatsoever and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.

5. The State's counsel opposes bail but does not dispute the fact that petitioner has joined the investigation.

REASONING:

6. There is sufficient prima facie evidence connecting the petitioner with the alleged offense; still, it is neither a case for custodial interrogation nor pre-trial incarceration. Although the evidence might be prima facie sufficient to launch prosecution or to frame

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charges, but this Court is not considering the evidence at that stage but is analyzing the same for the bail stage.

7. The petitioner was granted interim protection, and during the interregnum, there is no allegation that he had intimidated the witnesses, hampered the investigation, or, despite being called to join the investigation, did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, which is made absolute subject to the petitioner complying with the terms of the bail order and the following additional conditions.

CONDITIONS:

8. The petitioner is directed to join the investigation within seven days and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

9. The concerned trial court is authorized to delete, modify, or relax any of the above conditions and shall be competent to do so in accordance with the law.

10. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

11. **Petition allowed** in terms mentioned above. Interim order dated 18.12.2024 is made absolute. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

28.02.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.