



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

CRM-M-16526-2025

Date of Decision : March 26, 2025

VINOD KUMAR DUBEY

.....Petitioner

VERSUS

STATE OF HARYANA

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present : Mr. S.Gahlwat, Advocate for the petitioner.

SANDEEP MOUDGIL, J. (Oral)

1. Relief sought

The jurisdiction of this Court has been invoked under Section 482 BNSS seeking pre-arrest bail in case FIR No.25 dated 23.01.2025 (Annexure P-1), under Sections 316(2), 316(5), 318(4) of BNS, registered at Police Station Naraingarh, District Ambala.

2. Prosecution story setup in the present case as per the version in the FIR as under:-

“Subject: For registration of case F.I.R. against Food & Supplies Inspector/In-charge of Sainmajra godown for finding shortage of wheat stock. In relation to the context of above subject, it is respectfully submitted that Food & Supply Department under Narayangarh Centre, District Ambala purchased total 15.870 MT wheat for the Rabi Marketing season for year 2024-2025, wherein 7404 MT wheat was directly delivery to Food Corporation of India, out of remaining 8466 MT wheat, in which 6939 MT wheat was stored at Sainmajra covered godown and 1527 MT wheat was stored at Shehzadpur covered godown, whose PR In-charge

for wheat of year 2024-2025 was Vinod Kumar Dubey, Inspector, Food & Supplies at Narayangarh. Out of remaining quantity of 8466 MT wheat, according to the report of PR-58, prepared by Sh. Vinod Kumar Dubey, he has dispatched 1627 MT from Shehzadpur Godown and 6188 MT wheat from Sainmajra Godown and he has shown the balance of 751 MT wheat. According to one E-Portal Report, out of 8466 MT wheat, 633 MT from Shehzadpur Godown and 1663 MT wheat from Sainmajra godown has been dispatched but still 6170 MT wheat is pending. This difference appears due to issuance of manual gate pass by Vinod Kumar Dubey, which can be confirmed after getting online information from FCI. In this sequence, it is apprised to you that regarding the above difference between stock of wheat for year 2024-25 at Centre of Sainmajra and Shehzadpur; directions have been issued many times from this office vide letter endorsement No. 2-2024/2676 dated 12.09.2024, Letter Sr. No. 11-2024/2761, dated 27.09.2024 & through E-mail on 12.09.2024, Letter No. 11-2024/2852, dated 10.10.2024, Letter No. 1-2024/3032, -14-dated 29.10.2024, Letter No. 2024/3637, dated 25.11.2024, Letter No. 2024/3768 dated 09.12.2024 (copies attached) but the bills of dispatch of wheat have not been obtained at purchase E-Portal by Sh. Vinod Kumar Dubey Inspector Food & Supply, Narayangarh. The payment of same is still due towards FCI and due to the same, the State Ex-chequer/treasury has been caused loss. In addition to this contractor M/s Ram Murti Confed Transport has also informed vide Letter No. 17.01.2025 to the office of undersigned that in the month of January 2025, Release Order for supplying wheat at the Ration Depot of Naraingarh & Sehzaadpur Centre was issued to godown Sainmajra, Naraingarh. Today, i.e. on 17.01.2025, their vehicles are lying parked at Godown at Sainmajra, Naraingarh but no loading is being done, whereas today, i.e. 17.01.2025, is the last day for R.O. lifting wheat for the month of January. It is respectfully apprised to you that while taking cognizance of aforesaid both issues, the office of undersigned vide Letter bearing No. DFC-2025/705-706, dated 17.01.2025, constituted a PVT Team of four persons consisting of Sh. Brij Mohan, Assistant Food & Supplies, Ambala Cantt.; In-charge Sh. Gaurav Arora, Inspector Food & Supplies, Ambala Cantt. and Sh. Vikas Papneja- Food & Supplies Inspector Gulana and Sh. Sunil Kumar, Auditor cum In-charge Confed, member of Ambala for physical verification of wheat stocks stored at godown of Sainmajra, Naraingarh and inquiry was conducted; further in addition to this, vide Letter No. CDO/AMB/705

dated 17.01.2025, Sh. Vinod Kumar Dubey, Inspector PR In-charge of wheat for one year 2024-2025 was asked to give his explanation. Vide Letter dated 17.01.2025, the constituted team informed this office that when they went to Sainmajra Godown for physical verification, then Vinod Kumar Dubey Inspector, Food & Supplies, was not found present and he was contacted through telephone by Physical Verification Team but he did not receive the telephone. In this regard Watchman present at the spot gave in writing that Vinod Kumar Dubey Inspector, FCI was contacted through telephone but he did not respond and the keys of godown as well as the keys of main gate used to remain with Vinod Kumar Dubey Inspector Food & Supplies. Due to which, the constituted team could not conduct the Physical Verification of stored wheat stocks on 17.01.2025 at godown of Sainmajra. On 18.01.2025, the Physical Verification Team again conducted the physical verification and inspection of godown Sainmajra, Naraingarh in the presence of Sh. Vinod Kumar Dubey Inspector Food & Supplies and the same was recorded via videography also by Physical Verification Team. As per Report of Physical Verification Team, 375 bags of wheat were found at the spot in godown No.3 of Sainmajra; the approximate weight of the same was 50.843 Kg. whereas 3-4 quintal was found lying scattered at godown No.3 and the quality of which was found correct during physical verification. In addition to this, no stock of any kind of wheat was found in godown No.1, 2 and 4 godowns of Sainmajra, Naraingarh. No stock has been found in these Godowns. Copy of Report is attached. In addition to this, Sh. Vinod Kumar Dubey -16-Inspector Naraingarh, PR In-charge of wheat for one year 2024-25 has given in writing vide his Letter bearing No. IFS/Naraingarh/2025/0, dated 18.01.2025, that as per NFSA (National Food Security Authority) of wheat for year 2025, there is shortage of approximate 10,000 bags. He has also given in writing that in year 2024-25, due to excess delivery of wheat, this shortage has occurred and he himself is personally responsible for the same; no one else i.e. employee/officer is responsible for the same and he requested to give the period of 7 days to him to complete the said shortage of wheat. In this sequence, the Dealing Assistant of this office also inspected the records of Sainmajra godowns for wheat. In view of the Report presented by Inquiry Committee, as per the record of office, the quantity of wheat was found different from the report produced by Physical Verification Team. The details of same are as under:- Centre:- Naraingarh RMS 2024-25-

Fig in MT-Remarks... Wheat Purchase as per PR 54 copy attached - 15870-As per 54 report, Direct Delivery Mandi to FCI as per E Kharid portal-7404- As per-E-Kharid Portal, Wheat storage for RMS 2024-25- 8466 stored at Sainmajra and Shahzzadpur covered Godown, Balance wheat at sainmajra Godown as per 58 report by Sh. Vinod Kumar Dubey, IFS 07.01.2025-751-NOTE Balance quantity of wheat at Sainmajra and Shahzadpur is 6160 MT as per E-kharid portal, but this figure mismatch is due to issuance of manual gate passes by h. nbinod Kumar dubey, IFS Naraingarh, NFSA wheat lifted from 07.01.2025 to 17.01.2025 copy attached-230-, Balance wheat stock at Sainmajra godown-521-Physically found Qty. 375 bags and loss 3-4 Qtl, wheat as per report of PV team estimated loose 19 MT inn addition to above, it is also apprised to you that by issuance of manual gate pass for remaining 6170 MT wheat, no payment has been received by Food Corporation of India. The comparison of same is still pending and 230 MT NFSA wheat has been issued from 07.01.2025 to 17.01.2025 and in reality, the payment of this wheat is also due towards Food Corporation of India. In addition to above all, shortage of about 502 MT wheat has been found at Sainmajra (Naraingarh) upto today i.e. 18.01.2025. That Sh. Vinod Kumar Dubey Inspector, PR In-charge of wheat for year 2024-25, remained negligent in distribution/misappropriation of wheat stock and thus has caused loss to Government property and even RO of NFSA wheat for the month of January 2025 has also lapse and for the same, Sh. Vinod Kumar Dubey, Inspector himself is found responsible completely. In addition to this, if some shortage in payment towards Food Corporation of India or towards the bills raised by Food Corporation of India is found due to issuance of manual gate pass then even towards the loss of interest to Government is also attributed to Sh. Vinod Kumar Dubey as he himself is responsible for the same.”

3. Contention

On behalf of the petitioner

Learned counsel for the petitioner contends that for the alleged offence though an FIR has been lodged, which is totally baseless and without any truth in it whereas at the same time there is a mechanism with the

Government through the Service Rules meant to deal with such disciplinary action for negligently performing the duties. He would also submit that the arrest of the petitioner at this stage will jeopardize his service career, wherein the guilt is yet to be proved beyond reasonable doubt and as a law abiding citizen, he is otherwise ready and willing to join the investigation facilitating the conclusion of which and filing of final report after conclusion.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. B.S.Virk, DAG, Haryana accepts notice on behalf of the respondent-State, who though opposed the concession of anticipatory bail at this stage and seeks dismissal of the petition on account of the fact that the petitioner himself has admitted the guilt through a writing while referring to page No.27 i.e. part of reply before the trial Court at the time of hearing of the application for anticipatory bail.

4. Analysis

However, be that as it may, the argument raised on behalf of the State do not find weight before this Court as there is no mention of the contents in writing but mention is only reference to that effect in the reply filed by the State that too is only to the effect that due to excess delivery of wheat the shortage has occurred and he himself is personally responsible for the same and no one else i.e. employee/officer is responsible for the same and requested to complete the loss within 7 days i.e. *qua* the shortage of wheat.

5. Relief

In the light of above as well as the fact that the learned State counsel could not make out a case for custodial interrogation by

demonstrating that some information is to be extracted or anything is required to be recovered from the present petitioner, the petitioner is directed to be released on anticipatory bail subject to his joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction for the reason that custodial interrogation of the petitioner is not required as it would be of no fruitful purpose to put the petitioner behind the bars. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a period of one week and comply with the aforesaid condition under Section 482(2) of BNSS, 2023, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

(SANDEEP MOUDGIL)
JUDGE

March 26, 2025
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No