

2025:PHHC:113802



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

216/7

CRM M-32762-2025

Date of Decision:25.08.2025

Naresh Kumar

...Petitioner

Versus

State of Haryana

... Respondent

CORAM : HON'BLE MR. JUSTICE N.S.SHEKHAWAT

Present : Mr. Vipin Pal Yadav, Advocate with
Mr. J.S. Solal, Advocate
for the petitioners.

Mr. Rajiv Sidhu, Sr. DAG, Haryana.

N.S.SHEKHAWAT, J.

1. The petitioner has filed the instant petition under Section 482 of the B.N.S.S., 2023 with a prayer to grant anticipatory bail in case FIR No.11 dated 13.03.2025 registered under Sections 409, 419, 420, 467 and 471 IPC and Section 13(1)(a) read with Section 13(2) of Prevention of Corruption Act 1988 (hereinafter to be referred as the PC Act) at Police Station Anti Corruption Bureau, Ambala.

2. Learned counsel for the petitioner contended that the aforementioned FIR was registered by Anti Corruption Bureau in compliance of the order dated 09.05.2024 (Annexure P-1) passed by this Court in CWP-5898-2022 titled as **“Jasbir Ram Vs. State of Haryana and others”**. In the said writ petition, the petitioners had

alleged that they had purchased two bags weighing 40 kgs each containing wheat seeds from the shop run by Haryana Seeds Development Corporation (hereinafter to be referred as '**the HSDC**') situated at Cheeka, District Kaithal. However, the bill which was issued by the officials, it was wrongly mentioned that the petitioners had purchased 20 bags of seeds of wheat. It was alleged that an organized scam was running throughout the State of Haryana.

3. Learned counsel for the petitioner contended that the petitioner is outsourced employee engaged through Haryana Kaushal Rozgar Nigam Limited and was working as Salesman (Marketing Assistant) at a sale counter of HSDC, Shahbad (Markanda) Kurukshetra, District Kurukshetra and the duties and responsibilities for making entries in the register regarding sale transactions, including the Aadhar number and mobile number of the purchasing farmers. Learned counsel further contended that the petitioner had no role in determining or verifying the quantity of stock issued or the processing of subsidy claims.

4. Learned counsel for the petitioner vehemently argued that the entire controversy pertains to the year 2020-21 and after directions issued by this Court, the Investigating Agency held the inquiry, recovered the entire relevant record of the HSDC, recorded the statements of farmers and, thereafter, the FIR was registered. During the course of inquiry, it has been alleged that less number of bags had been issued to the farmers, whereas, in the register more

number of bags had been entered against the names of the farmers. It is unbelievable that after a period of more than 05 years and 10 agricultural seasons, a farmer would still remember the exact number of bags purchased by him during the *rabi* crop season of the year 2020-21. He further contended that in fact the HSDC declared its wheat seeds stored processed through process plant and seeds are sold to the farmers by subsidy rules through the sale counters at different places in each district. The sale counters are managed by store keeper/salesman, who maintained the sale record in the register and ultimately, the store keeper submits his record to the Regional Manager, HSDC. These bills are submitted by Regional Manager, HSDC, Deputy Director Agricultural and after verification by SDAO, the subsidy amount is deposited in the bank account of HSDC. However, in the past 05 years, there have been no allegations against the officials at any level and the allegations levelled in the inquiry report are absolutely false and baseless. Learned counsel further contends that even otherwise, the salesmen are under the direct supervision of the Regional Manager and the records regarding the sale of seeds is duly checked and verified by the Regional Manager of the concerned sales seed centre. Apart from that, the prosecution has also failed to prove on record any evidence to show that the petitioner or any other official had accepted or obtained or agreed to accept or attempted to obtain any illegal gratification. Still further, there is no evidence to show that the petitioner or any other official had

dishonestly misappropriated any property introduced to him or converted the same for his own use nor there is any allegation that the petitioner or any other official of HSDC had obtained any valuable thing or pecuniary advantage. Still, the basic ingredients of the offence under Section 13 of the PC Act are completely missing in the instant case. Apart from that, even the inquiry in the present case was conducted by the police in absence of approval under Section 17-A of the PC Act and even the FIR has been wrongly registered against the petitioner. Apart from that, the case is based on documentary evidence, which has also been collected by the police in the present case and the custodial interrogation of the petitioner may not be required.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner on the ground that the petitioner had wrongly entered the purchase of certain extra bags of wheat seeds in the names of farmers and they had misappropriated the subsidy granted by the Government by providing false and fabricated entries regarding the sales of wheat seeds. Still further, the custodial interrogation of the petitioner is required for knowing the names of the persons, to whom the petitioner had sold the wheat bags and to recover the misappropriated amount. Thus, the petition deserves to be dismissed by this court.

5. I have heard learned counsel for the parties and perused the record.

6. It is not in dispute that allegations in the present case pertained to the year 2020-2021 and the Investigating Agency swung into action after passing of the order by this Court on 09.05.2024 (Annexure P-1). Thereafter, the inquiry was conducted by Anti Corruption Bureau and the entire record relating to sale of seeds of wheat has been taken into possession by the police. Even, the case is primarily based on documentary evidence, which admittedly has been taken into possession by the police. Apart from that, the statements of the victims/farmers have also been recorded by the police during the course of inquiry and the prosecution is yet to produce the evidence to quantify the loss caused to the farmers. In the considered opinion of the Court, the custodial interrogation of the petitioner may not be required in the peculiar facts and circumstances of the present case.

7. Without commenting any further on the merits of the case, the present petition is allowed. The petitioner is granted concession of anticipatory bail, subject to the conditions as provided under Section 482(2) of the B.N.S.S. It will be open for the Investigating Officer to call the petitioner to join investigation, if so required, by issuing a written notice in this regard and he shall abide by the conditions mentioned in Section 482(2) of the B.N.S.S.

25.08.2025

amit rana

(N.S.SHEKHAWAT)**JUDGE**

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