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Abhishek Kumar versus State of Punjab

CNR No.PBPT01-013056-2019

BA/2557/2019

Present: Sh. Gurbaj Singh, Advocate for applicant-accused.
Sh.Charanjeet Prashar, Addl. Public Prosecutor for the State
along with ASI Manjit Singh.

Record has been produced. Arguments heard. As per the prosecution allegations, the complainant has been carrying on the business under the name and style of Jay Ambay Agro Foods Firm, Sirhind Road, Patiala. The applicant-accused had allegedly contacted him telephonically and had struck a deal with him for supply of broken rice. The accused-applicant had allegedly struck a deal on behalf of M/s Goel Rice Udyog, Ubhewal Road, Sangrur that the complainant had sent three consignments of 362, 390 and 290 bags through Rakshit Goods Carrier on 27.12.2018, 28.12.2018 and 31.12.2018. The said consignments were to be delivered to M/s Goel Rice Udyog, Ubhewal Road, Sangrur. However, the accused/applicant with the help of two middlemen namely Dharminder Singla and Munish Kumar got delivered the said consignments to Kuber Food Ubhewal Road, Sangrur, M/s Sarup Chand Singla Rice Mill Tajoke Road Tappa and M/s Sandeep Rice Mill Ubhewal Road Sangrur. The applicant-accused allegedly received the payment from the said concerns but he did not make any payment to the complainant and there is allegation that he has misappropriated the stock of the value of Rs. 12,66,840/- belonging to the complainant.

Learned counsel for the applicant-accused has argued that there is nothing to show that applicant-accused had placed any order with the complainant. Neither the applicant is consignee nor he had received any goods. There is nothing to connect the applicant with the said

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consignments. The applicant-accused has been involved in a false case by the complainant by using political influence and therefore, he should be granted anticipatory bail.

On the other hand, learned Addl.Public Prosecutor has argued that the allegations against the accused are quite serious as he has cheated the complainant of the huge amount and therefore, the applicant-accused is not entitled to anticipatory bail.

After giving anxious thoughts to the rival contentions and going through the record of the case, this Court is of the considered view that instant case is not fit for grant of anticipatory bail to the applicant-accused. The complainant has produced before the police documents showing the dispatch of the said consignments through Rakshit Goods Carrier. The police has recorded the statements of Munish Kumar and Dharminder Singla who have stated that the applicant had contacted them for the sale of broken rice and Dharminder Singla got sold one consignment to Sandeep Rice Mill Ubhewal. Munish Kumar allegedly got sold the consignments to Kuber Food Ubhewal Road, Sangrur and Sarup Chand Singla Rice Mill Tappa. Both of them stated that accused-applicant had received the amount from the said concerns. The statements of Yadwinder Kumar, Proprietor of Kuber Food Ubhewal Road, Sangrur, Ravinder Kumar, Proprietor of Sarup Chand Singla Rice Mill Tajokey Road, Tappa and Sham Lal, Proprietor of Sandeep Rice Mill Ubhewal Road Sangrur have also been recorded and they also corroborated the said version. In these circumstances, it prima facie appears that applicant/accused got dispatched three consignments of rice of the value

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more than Rs. 12 lacs from the complainant by representing that the same were required by M/s Goel Rice Udyog, Ubhewal Road, Sangrur but lateron he got delivered the said consignments to some other rice millers and obtained the payment from them. In view of these circumstances, it seems that custodial interrogation of the applicant-accused is necessary for proper investigation of this case and the instant bail application is dismissed. File be consigned to the record room.

Pronounced.
4.9.2019
Hem Raj Stenographer-II

(Rajinder Aggarwal)
Sessions Judge
Patiala. (PB0048)