

**IN THE COURT OF BALWINDER KUMAR,  
SPECIAL JUDGE, FATEHGARH SAHIB**

CIS No. BA-1011-2022  
Date of Institution: 20.08.2022  
CNR No:PBFG01-003319-2022  
Decided on:- 25<sup>th</sup> August, 2022

Pawandeep Singh aged 40 years son of Sh. Chattar Singh, Fertilizer clerk-cum-Incharge, Godown, Sirhind Centre of Punjab Agro Industries Corporation Ltd., Fatehgarh Sahib, now on deputation with Punjab Mandi Board.

.....Applicant

Versus

State of Punjab.

**FIR No.0124 Dated: 13.08.2022.**  
**Under Section—409 IPC and 13 of PC Act.**  
**Police Station—Sirhind.**

**Bail application u/s 438 Cr.P.C.**

Present: Shri T.S.Dhariwal, Advocate for applicant/accused.  
Mrs. Anju Narula Addl.PP for the State.

**ORDER**

1. Record received. Arguments heard. It is mentioned in the bail application that during the period 2015 to 2021, applicant/accused was working as Incharge of Sirhind Centre of Punjab Agro Industries Corporation Ltd. in District Fatehgarh Sahib and now he is on deputation with Punjab Mandi Board

Balwinder Kumar,  
Special Judge/Fatehgarh Sahib  
UID#PB0160 .

and is having great regard for law and order. It is further averred that applicant/accused has been falsely implicated by the police on the basis of false complaint moved by Shri Manjit Singh Brar, IAS, Managing Director, Punjab Agro Industries Corporation Ltd., Fatehgarh Sahib just to harass and humiliate applicant/accused with some ulterior motives. It is further averred that applicant/accused never committed any offence as alleged by the police and is totally innocent and bears clear antecedents. It is further averred that applicant/accused has nothing to do with the alleged offence as alleged in the FIR and the alleged FIR has been lodged against him for alleged defalcation of 15574 bags of wheat weighing 7778.50 Qntrs of 2018-19 on the complaint/statement of Shri Chander Shekhar, Regional Manager, Ludhiana, PAFC, which is totally untrue and unfair and police has not investigated the matter thoroughly before lodging above said FIR and said FIR was lodged under the pressure of the office Punjab Agro Industries Corporation Ltd.

It is further averred that the stocks of wheat 2018-19 was got stored by the predecessor of applicant/accused in M/s Bhatti Godowns Sirhind and charges of 3,31,317 bags of wheat was transferred to applicant/accused on 06.08.2018 as "As-is where-is" basis after peripheral counting, without

weighment, on book weight, which is a matter of record. It is further averred by the accused/applicant that delivery of wheat to FCI was slow and FCI had taken delivery of only 28031 bags only from 05.09.2018 to 09.09.2018 and thereafter FCI during March, 2019 took delivery of only 42,892 bags of wheat only with his strenuous effort and thereafter, no stock was lifted by FCI for next 24 months i.e. up to February, 2021. It is further averred by the accused/applicant that inspite of his best efforts, wheat stocks were deteriorated to some extent i.e. atta formation in isolated bags due to prolong storage owing to uncontrollable natural reasons.

It is further averred that there was 2,60,394 bags in storage after the storage period of approximately 36 months, when FCI approached for delivery of stocks but verbally insisted for data formation, up gradation and standardization of entire wheat stock and it was not in the interest of corporation and economical to get 2,60,394 bags of wheat upgraded. It is further averred that as a sincere worker of the corporation, applicant/accused persuaded and made FCI agreed to lift the stocks after segregation and take delivery of only sound stocks/bags and FCI took delivery continuously from 01.02.2021 to 10.02.2021 after segregating the sound bags on pick and choose manner, leaving

behind cut and torn, damaged, partially damaged bags of wheat and thus scattered wheat stocks were left behind in godowns due to continuous specials being loaded by FCI.

It is further averred that during entire storage period of more than 3 years periodical inspections/physical verifications were carried out by senior officer but no one reported any defalcation/misappropriation of wheat stocks as the same is matter of record and the stocks were delivered in good and sound conditions to FCI without any loss to the corporation and no discrepancy was ever pointed out by any supervisory officer(s) during the entire storage period. It is further averred that regular labour contractor was not ready to carry out work and set right the balance wheat stocks in godowns and moreover no financial assistance was provided to get the left over cut & torn wheat bags, collect grains and refilled the same in bags and get the same restitched. It is further averred that Shri Chander Shekher Regional Manager appointed another Labour contractor at special rates and constituted a committee for segregation and up gradation of left over cut and torn scattered bags after use of electric blower (Pakha) to make the stocks fit for dispatches.

It is further averred that the committee deputed by Shri Chander

Shekher, Regional Manager regularly supervised the entire process of upgradation and information of bags taken for standardization/data formation and thereafter refilling into bags and weighment & making the wheat in standard bags, alongwith the details of bags become empty, was given to the regional office regularly. It is further averred that after upgradation and standardization of 36,699 bags of wheat, total 17718 bags + (8 bags made up) in sound condition were delivered to FCI to their full satisfaction and after standardization only 3407 bags of damaged wheat left in storage and 15574 bags becomes empty in the process, which found to be correct as per record by the PV team. It is further averred that further left over segregated damaged wheat filled in total 3407 gunnies, which have been separately disposed off by the Corporation through auction now and balance 16983 empty gunnies left, behind in record have also been auctioned by the corporation. It is further averred that the General Manager (HR) head office has issued charge sheet to applicant/accused on the statement and data supplied by Shri Chander Shekher Regional Manager for the negligence only and it is nowhere mentioned in the said charge sheet that stocks have been defalcated by the applicant/accused.

It is further averred that from the position explained above, there

was no shortage of number of wheat bags in the stocks, on the contrary, the weight of wheat become short while doing the data formation, cleaning with pakha in which weevilled grain, atta formation and other foreign matter blown away, resulting into loss of weight and thus, loss of weight is due to data formation and upgradation of wheat crop 2018-19 damaged owing to the prolong storage. It is further averred that on the basis of said false and concocted story, the higher authorities has initiated inquiry against applicant/accused by constituting a committee and applicant/accused every time remained present before the said committee and record his statement and said inquiry is still pending for its adjudication, but the police in connivance with the complainant got lodge present false FIR without investigating the matter against applicant/accused in very hasty manner by not going into the matter deeply. It is further averred that no recovery is to be effected from applicant/accused and no purpose shall be served to put applicant/accused behind bars. It is further averred that applicant/accused undertakes to abide by each and every condition, if any, imposed by the Hon'ble court, if he may be released on bail.

2. Learned counsel for the applicant/accused while arguing in the lines of aforesaid bail application and while further referring to the documents

on record, contended that there is no allegation made out against accused/applicant of any embezzlement and there is only shortage of stock and that is not on account of any embezzlement, but damage to the wheat stock and thus, no offence is made out against accused/applicant and therefore, the bail application may be allowed.

3. On the other hand, learned Addl. PP for the State contended that keeping in view the serious nature of allegations against accused/applicant, the bail application may be dismissed.

4. I have considered the rival submissions and after going through the record, it has transpired that instant case FIR was registered on the allegations that accused/applicant Pawandeep Singh being official/fertilizer clerk caused loss to the tune of Rs.2,40,52,408/- on account of embezzlement of wheat stock weighing 7787 Qntl. of wheat. During formal inquiry of concerned DSP(D), it was found that accused/applicant caused huge financial loss as referred above. At this stage, keeping in view the above serious nature of allegations against accused/ applicant, this court is of the considered opinion that no ground is made out to extend the benefit of bail under Section 438 Cr.P.C to accused/applicant and as a result thereof, the bail application in hand is ordered

to be dismissed. Record be returned and file of this bail application be consigned to the record room, Fatehgarh Sahib.

**Pronounced in open court  
25<sup>th</sup> August, 2022**

*Jagjit Singh Batta EA/JW*

*"I attest to the accuracy and  
authenticity of this document."*

**(Balwinder Kumar)  
Special Judge  
Fatehgarh Sahib  
UID#PB0160**

**Balwinder Kumar,  
Special Judge/Fatehgarh Sahib  
UID#PB0160 .**