**IN THE COURT OF ATUL KASANA, ADDITIONAL SESSIONS JUDGE, LUDHIANA. (UID NO.PB0085)**

CNR No.PBLD01-0101835-2020
B.A No.395 of 25.11.2020
CIS No.BA/15921-2020
Date of Order: 27.11.2020

State of Punjab

VERSUS

Jasbir Singh, Junior Editor Pungrain son of Pritam Singh, resident of Street No.1, Model Colony, Rahon Road, Ludhiana.

Accused/Applicant

FIR No. 05 of 17.11.2020
U/s 409, 420, 467, 468, 471, 120-B IPC and 7 of P.C. Act.
P.S. E.O Wing, Vigilance Bureau, Ludhiana.

**Application under Section 439 Cr.PC grant of Regular bail**

Present:- Sh. Chhinder Paul, Adv counsel for applicant/accused
Sh. Dinesh Kumar, Addl. PP for State

**ORDER**

1. This order of mine shall dispose of bail application under Section 439 Cr.PC filed by the applicant/accused named above in case FIR No. 05 of 17.11.2020, under section 409, 420, 467, 468, 471, 120-B IPC and 7 of P.C. Act, P.S. E.O Wing, Vigilance Bureau, Ludhiana.

2. Notice of the bail application was issued to State and record of concerned police station was requisitioned.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated and that he has not committed any such offence as is alleged in the FIR and neither has committed any cheating nor was held responsible as such, in any enquiry held by the department

and that he has merely the made a scapegoat, being posted in the concerned office at the relevant time. Learned counsel further contends that recovery of most of the amount outstanding stands effected and the misappropriation, if any was by the miller and not by the applicant. It was contended that FIR itself had been got registered after ten years and that even in the civil suit filed by the department, no recovery was sought from the present applicant. He contends that the applicant is in custody since 17.11.2020 and that the presentation of challan and conclusion of trial shall take considerable time and no purpose would be served by detaining him behind the bars for any further period. On these submissions, a prayer for acceptance of bail application has been made.

4. Learned Addl. PP for State assisted by Investigating Officer/Inspector Manjitpal Singh opposed the above submissions, while submitting that the applicant/accused in conspiracy with co-accused had cheated the government department i.e. Pungrain for a huge sum of Rs.1.34 Crores and that the paddy allotted to the Miller was misappropriated to the extent of 21018 bags of rice, which were not delivered to the FCI by the miller and that forgery was also committed by them in connivance with each other and that Milling Order/allocation was given to the said firm and the present accused/applicant was to verify the documents and to ensure that formalities were complete before allocation but he in connivance with co-accused did not even bother to get the Milling Agreement executed between the said Rice Mill and the department as was required under the policy and thereafter, even qua milling for the year 2010-11, complete paddy allocated was not milled

and that matter could not be taken up before the Arbitrator for want of valid agreement between the parties regarding the milling. On these submissions, a prayer for dismissal of the application was made.

5. I have considered the submissions of learned counsel for the applicant as well as Addl. PP for State and have perused the record.

6. In the present case, the FIR has been got registered at the instance of Inspector Manjitpal Singh. It is in accusations that in an enquiry no.6 dated 07.06.2016, it was found that Rakesh Kumar Bhaskar, District Manager, Pungrain had wrongly allocated government paddy to M/s Laxmi Rice and General Mills, Hambran for milling for the year 2010-11 and that as per Milling Policy, the said allotment was to be made by the committee forming the Deputy Director Field and District Managers of the Purchasing Agency and that allotment was to be given to the Rice Mill, which had deposited 80% of the milled rice for the year 2009-10 with the F.C.I. The rice mill which had completed milling to the extent of 60% to 80%, was to be alloted paddy for milling for the next season in proportion to the percentage of milling of the previous year and the Mill which had done milling less than the same, was not to be considered for allotment of paddy for milling for the year 2010-11. It is further in accusations that during the year 2009-10, only 36% of the paddy of Pungrain stored in the said Mill, had been milled and that during this season 11999.75 quintals of paddy belonging to the Warehouse Purchase Agency and 68690.7 quintals paddy belonging to Pungrain was stored in the said Mill and the total weight of the paddies, stored by Ware Purchase Agency and Pungrain was 80690.45 quintals and its 60% comes out to

48414.27 quintals and at that time the paddy milled for both the agencies came out to be around 43% but the DFSC Rakesh Kumar Bhaskar and his dealing head (staff) in connivance with each other showed the milling percentage of both the agencies i.e. 36%+24%, jointly showing it to be 60% i.e. = 34808.44 quintals milled paddy, thereby making M/s Laxmi Rice and General Mills, Hambran eligible for getting the allotment. It is further in accusations that after allotment, an amount of Rs.1,50,000/- per ton milling capacity was to be deposited in the shape of demand draft by the Mills, as security in the name of Managing Director of Pungrain Agency and till the said security amount was not deposited and agreement was not executed, no allotted paddy could be stored in the Rice Mill and as per policy, if any Rice Miller fails to complete the required formalities and does not execute an agreement with regard to milling of paddy with the Agency, then his allotment was to be cancelled but despite M/s Laxmi Rice and General Mills not completing the formatlties not executing any agreement, purchased paddy i.e. 99949 paddy bags, weighing 34981.50 quintals was stored in the premises of M/s Laxmi Rice and General Mills, Hambran. The said miller was to milled the said paddy and deliver 23438 quintals rice out of the paddy stored in his mills, to FCI in the account of Pungrain but M/s Laxmi Rice and General Mills had only delivered 2420 quintals rice to the FCI and 21018 rice bags remained to be milled and delivered. It is further in accusations that accused Rakesh Kumar Bhaskar remained posted as Manager in Pungrain, Ludhiana from 27.08.2009 to 27.07.2011 and did not take any steps for getting the milling of the paddy done, which was stored with the said firm and that as per milling policy, the milling of paddy was to be completely milled by 31.03.2011, but till the end of posting tenure of Rakesh Kumar Bhaskar, the said firm did not start the milling of the paddy. Despite the Miller not delivering the rights to the FCI within time, Rakesh Kumar Bhaskar did not shift the stored paddy to any other Mill, in terms of the Milling Policy and the Miller kept milling the paddy without their being any release order issued and it was found that Rakesh Kumar Bhaskar did not even conduct any physical verification of the paddy, required as per rules. It is further in accusations that committed constituted by Pungrain and Warehouse Purchase Agencies conducted physical verification of the paddy stored with the above firm in the year 2010-11 on 04.06.2012 and during physical verification shortage of 15333 bags of rice (weighing 7666 quintals) was found, which was of value of about Rs.13426539/- at the rate of Rs.1751.44 per quintals and that the above rice had been misappropriated by the owners of the rice mill in connivance with the officials of Pungrain and that due to the non-delivery of rice after milling the paddy, by the Miller, within the time frame fixed, the department filed a case before the Arbitrator for a claim of Rs.57560139/- on 24.01.2013 and the old agreement for the year 2009-10 was attached by the office DFSC and that the Arbitrator refused to hear the matter as there was no signed agreement for the year 2010-11, due to which the Govt had to sustain heavy loss. It is further in accusations that during the enquiry, it was stated by Gurdeep Singh Legal Assistant, office DFSC, Ludhiana that at the time of filing the case with the Arbitrator, the drafting which was prepared in the office of DFSC Pungrain, was prepared without consulting him nor any documents were got checked from him. The wrongful allotment of paddy without getting any agreement signed from the miller and subsequent misappropriation of the paddy stored in the above Mill, has been done/ committed by Rakesh Kumar Bhaskar, Manjit Singh, Jasbir Singh, Narinder Kumar and the owners nad partners of M/s Laxmi Rice & General Mills namely Rajinder Kumar, Pawan Kumar, Sunita Kumar and Saroj Bala. Thus, the present FIR.

7. The allegations against the present applicant/accused are that he while being posted Junior Auditor, Pungrain, Ludhiana, misused his position and while being in conspiracy with co-accused, caused loss to the department Pungrain to the extent of nearly Rs.1.34 Crores and they got wrongly allocated paddy for milling to the above firm though it was not eligible, while wrongly showing it to be eligible and even physical verification was not conducted by the co-accused Rakesh Kumar Bhaskar and that thereafter only 2420 quintals rice was delivered to the FCI by the miller and 21018 bags of rice were not delivered and were misappropriated. The counsel for the applicant contends that more than Rs.40 Lakhs was deposited by the Miller with the department thereafter and rice was also delivered to the FCI after milling and milled rice as well as amount to the tune of nearly Rs.1 Crore already stood recovered and that allotment was infact made by the Joint Director Rice and it was also contended that no department action has been taken against the applicant as he was not found guilty of any wrong doing and that the FIR had been registered after ten years. The accused/applicant is in custody since 17.11.2020. The criminal liability of the applicant/accused, if any shall be

determined during the course of trial. The presentation of challan and conclusion of trial shall take considerable time. Hence, it is a fit case for grant of regular bail to the applicant/accused. Accordingly, applicant/accused Jasbir Singh is ordered to be admitted to bail on furnishing of requisite bail bonds / surety bonds to the satisfaction of concerned learned Illaqa/Duty Magistrate subject to the following condition(s):

1. That he shall appear in the court on each and every date of hearing.
2. He shall not tamper with the prosecution evidence.
3. He shall not leave the country without prior permission of the court.

8. Police record be returned forthwith. Copy of this order be sent to the concerned court while file of this court be consigned to the Record Room.

**Pronounced in open court**
**Dated: 27.11.2020**

**(Atul Kasana)**
**Addl. Sessions Judge,**
**Ludhiana.**
**UIDNo.PB0085**

*Gurmeet Singh*
*Stenographer-II*