

**In the Court of Kewal Krishan,
Addl. Sessions Judge-cum-Judge, Special Court, Ferozepur
(UID No.PB-0182).**

Case Type	Bail Application.
CIS No.	BA/1983/2022.
CNR No.	PBFZ010049832022.
Date of order	24.08.2022.

1. Gulab Singh aged 39 years son of Jagga Singh, resident of House No.2658/G2, Ward No.45, Near Government High School, Dune Ke, Moga.
2. Hans Raj Singh aged 44 years son of Piara Singh, resident of Jora Jand, Village Chimnowala, Fazilka.

.....Applicants-accused.

Versus

State of Punjab

.....Respondent.

FIR No.275 dated 02.8.2022. Under Sections 409/120-B IPC and Sections 13 of the Prevention of Corruption Act, 1988. Police Station: City Ferozepur.
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Application 438(i) of the Code of Criminal Procedure.
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Present: Sh. Kunal Behl Advocate, counsel for the applicants.
Sh. A.P.S. Brar Addl. Public Prosecutor for the State with
ASI Harnek Singh.

ORDER

Apprehending their arrest, the applicants have filed the instant application under Section 438(i) of the Code of Criminal Procedure for grant of anticipatory bail. ASI Harnek Singh has produced the record of investigation of present case as well as record of FIR No.276 and 277 dated 02.08.2022 of Police Station City Ferozepur.

2. Arguments are heard. Learned counsel for the applicants has argued that the applicants have been falsely implicated in this case. There is unexplained delay of more than 5 days in lodging the present FIR. No offence punishable Sections 409/120-B IPC and 13 of Prevention of Corruption Act is made out against the accused/applicants as they are neither the custodian nor any entrustment was ever made to them qua the alleged stock laying in the godown of M/S Chawla Covered Godown, Border Road, Ferozepur City. Learned counsel further argued that PG-38 report is always being prepared by the Department before deputing any official as Incharge, which contains the particular, name of the complex, name of the District Manager, name and the mobile number of the Incharge and with the other observations. In this case, PG-38 report of the Pungrain is not issued in the name of the

applicants, rather it was issued in the name of the inspector Baljit Ram and Yadwinder Singh. As per the policy of the government, basically there are two storage godowns i.e. one headed by the Punjab Government, which is known as State Pool and the other godown headed by Central Agency and known as Central Pool. In both the pools, separate officials/inspectors are being deputed, who are overall Incharge/responsible for the stock lying in the godowns. Being Incharge of the said godowns, they are marking the presence with their own capacity of the employees, who are working under them in particular godown. Physical verification of different godowns was also done by the higher officials on 28.06.2022. After conducting the physical verification, report was submitted. As per physical verification, the total excess bags were found to be 2797 and deducting the shortage, the total excess bags comes to 1664. Out of 1133 bags, 760 bags sent by direct delivery, whereas the remaining bags were loaded in the Trolly for the purpose of delivery to depot. Trolly met with an accident. FCI is always issued the bill to the State Government according to the godown wise after verifying the stock physically and when it is found to be correct, according to the godown,

the FCI issued the bills against the particular godown. In the present case, the bill was also issued by the FCI separately according to the godown wise. It is the routine practice of the State Pool as well as Central Pool that they always count their stock after 15 days and 7 days respectively and after finding it to be correct, report to the Circle office is being sent by the DFSO. In the present case, the godown on which the applicants were custodian, the reports were in routine sent by the DFSO to his circle and the other officials which shows that no shortage was found in the godown, which were under the custody of the present applicants. The ingredients of offence punishable under Sections 406/120-B IPC or 13 of Corruption Act are not made out against the applicants. The applicants have apprehension of their arrest for non-bailable offence as the police is raiding their residence. Their custodial interrogation is not required. They are ready to join the investigation. They will not make any kind of threat or inducement to any person, who is acquainted with the facts of the case. Thus, the applicants may kindly be granted concession of pre-arrest bail.

3. On the other hand, Learned Addl. Public Prosecutor for the State hotly contested the application and argued that huge shortage of

wheat stocks lying in the godowns got stored by PUNGRAIN under Central Pool was detected during physical verification and the applicants being Inspectors incharge of the said stock are responsible for embezzlement of the said stock. He further argued that two more FIRs i.e. FIR No.276 and 277 with regard to embezzlement of huge wheat stocks worth Rs.71.15 Lacs and Rs.2.31 Lacs respectfully have been registered, in which present applicants have been nominated as accused. In view of the gravity and nature of the offence, for the purpose of thorough investigation, custodial interrogation of the applicants is required and they are not entitled to get the concession of anticipatory bail.

4. This Court has heard the learned counsel for the applicant, learned Addl. Public Prosecutor for the State and has gone through the record carefully. This FIR was registered on the basis of letter dated 01.08.2022 written by District Controller, Food Civil Supplies and Consumer Affairs, Ferozepur to the Senior Superintendent of Police, Ferozepur stating therein that Deputy Director (Field), Food Civil Supplies and Consumer Affairs, Ferozepur Division, Ferozepur, as per directions issued by Head Office of this department at Chandigarh, formed different teams for conducting physical verification in the godowns falling in

District Ferozepur. The physical verification of godowns of M/s Sonu Chawla Covered Godowns was conducted by Assistant Food and Supplies Officer Nihal Singh Wala and as per report submitted by him, shortage of 620 bags of wheat weighing 310 quintal got stored by PUNGRAIN under Central Pool, was detected and due to this embezzlement, the Government suffered financial loss to the tune of Rs.7,15,000/-. Hans Raj son of Mithu Ram, Gulab Singh son of Jagga Singh, Baljeet Ram son of Bohra Ram, Yadwinder Singh son of Gurjant Singh, Hansraj Singh son of Piara Singh and Baj Chand son of Munshi Ram, who are posted as Inspectors, are the custodian of the wheat stock and they are responsible for the embezzlement of the said wheat stock. A request was made for taking legal action against these officials and other erring officials.

6. The police of Police Station City Ferozepur has registered two more FIRs i.e. FIR No.276 dated 02.08.2022 and FIR No.277 dated 02.08.2022 under Sections 409/120-B IPC and Section 13 of Prevention of Corruption Act, 1988 against the applicants and others.

7. Hon'ble Punjab and Haryana High Court has observed in **Karnail Singh @ Kaily v. State of Punjab** [2020\(3\) R.C.R.\(Criminal\) 261](#) (Law Finder Doc Id # 1726615) that pre-arrest bail is a discretionary

relief and is to be granted in exceptional circumstances to save the innocent persons from harassment and inconvenience and not to shield the criminals from custodial interrogation. At this stage, generally, the prosecution case is to be seen and not the probable defence of the accused.

8. Keeping in view nature and gravity of offence, this Court is of the considered view that for the purpose of thorough investigation, custodial interrogation of the applicants is required and they are not entitled to get concession of anticipatory bail. Therefore, their application is dismissed. Record of investigation be returned. File of this bail application be consigned to record room.

Dated : 24.08.2022

anil kumar

Stenographer Grade-II

sd/-

(Kewal Krishan)

Addl. Sessions Judge-cum-
Judge, Special Court, Ferozepur
(UID No. PB0182)