

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

(205)

CRM-M-26721-2015

Decided on: September 18, 2015.

Rattan Chand and others

.... Petitioners

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. L.S. Sidhu, Advocate, for the petitioners.

Mr. R.S. Randhawa, Addl. A.G., Punjab.

M.M.S. BEDI, J (ORAL)

The petitioners are partners of a firm manufacturing fertilizers and insecticides. Huge quantity of un-authorized and sub-standard fertilizers and insecticides were recovered from the sheller of the petitioners. There are serious allegations of petitioners company having manufactured and sold the sub-standard fertilizers.

Application for bail has been opposed inter alia on the ground that more recoveries are yet to be effected as per the Ledger Register which is taken into possession.

I have considered the facts and circumstances of the case and I am of the opinion that the petitioners have allegedly committed offence under Section 7 of the Essential Commodities Act by indulging in possession and sale of sub-standard fertilizers. Since the recoveries have already been effected, the petitioners can be granted the concession of pre-arrest bail simultaneously protecting the rights of the consumers by

imposing reasonable conditions upon the petitioners in consonance with the provisions of Section 438 (2) read with Section 437 (3) Cr.P.C.

The petition is allowed. It is ordered that in case of arrest of petitioners, they will be released on bail to the satisfaction of the arresting officer subject to the following conditions:-

1. Petitioners will join investigation as and when required.
2. Petitioners will not tamper with the evidence or hamper the investigation in any manner.
3. Petitioners will facilitate the investigation by permitting the investigating agency to enter and inspect the premises of storage and manufacturing belonging to the petitioners.
4. Petitioners will not indulge in similar activity i.e. manufacturing sub- standard or distributing any such fertilizer or insecticides during pendency of the trial.

In case of violation of any of the above said conditions, it will be open to the prosecution agency to seek the cancellation of bail by moving application before this Court.

(M.M.S. BEDI)
JUDGE

September 18, 2015
harsha