

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M- 3614 of 2015
Date of decision: March 23, 2015

Vicky Setia

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Inderjit Sharma, Advocate
for the petitioner.

Mr. R.S. Sidhu, AAG, Punjab.

Jaspal Singh, J.(Oral)

Instant petition has been preferred by Vicky Setia under Section 438 Cr.P.C. seeking pre-arrest bail to the petitioner in case FIR No. 265 dated December 12, 2014 under Section 420 IPC and Section 7 of Essential Commodities Act, 1955, registered at Police Station Talwandi Sabo, District Bathinda, during the pendency of trial.

Shortly put, the case of prosecution unfolded by Mukesh Kumar-complainant, who is proprietor of factory under the name and style of M/s G.S. Brothers, Rampura Phul registered with Central Government and valid upto November 20, 2020, is that his firm deals in manufacturing of Helton Vegetable Oil and supplies the same in near by markets. He came to know that in the area of Talwandi Sabo, Vicky Setia along-with Narender Kumar are engaged in preparing duplicate vegetable oil and supplying the same through their driver Amanjit Singh on less rates and thereby, cheating the people as well as their firm. Subsequent thereto, a raid was conducted, during which, 10 Tins of 150 Kgs and 40 cartoons having 30 boxes containing 450 Mls each of oil were recovered which do not belong to complainant's firm. The said oil as well as labels thereon, have been prepared without any authorisation of their firm.

The contention of learned counsel for the petitioner that petitioner has nothing to do with the alleged duplicate edible oil. In fact, complainant-Mukesh Kumar and his other partners have been indulging in preparing sub-standard edible oil and they are supplying the same in near by markets. Since, petitioner has raised certain objections and declined to sell the edible oil to be manufactured or supplied by complainant, petitioner has been falsely implicated in the instant case in connivance with police. Moreover, petitioner has got no concern whatsoever with the alleged recovery.

On the other hand, learned State counsel has submitted that petitioner is Kingpin and has been indulging in preparation of sub-standard edible oil and selling the same in the market. The offence committed by petitioner is not against a particular person but against the society at large as edible oil is being consumed by large number of people, which is likely to deteriorate their health.

This Court has given an anxious thought to the submissions made by learned counsel for the parties and have perused the record available on file.

It is an undisputed fact that edible oil weighing 1500 Kgs has been recovered from canter/pick-up van bearing registration No. PB-03-AC-0814 on December 10, 2014 and as per bulity which is available on record, the above-said canter was got booked by Vicky Setia-petitioner and material was also to be transported to his premises which was intercepted at Talwandi Sabo. The matter in question requires to be thoroughly investigated and for that purpose, custodial interrogation of petitioner is likely to bring some more material aspects.

This Court is further of the view that in the absence of interrogation of the petitioner the investigation of this case is likely to stultified.

Accordingly, instant petition is dismissed.

March 23, 2015
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(JASPAL SINGH)
JUDGE