

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M- 4039 of 2015
Date of decision: March 23, 2015

Narender Kumar

.... Petitioner

Versus

State of Punjab

.... Respondent

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Harinder Singh, Advocate
for the petitioner.

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

Jaspal Singh, J.(Oral)

Instant petition has been preferred by Narender Kumar 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 selling/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 cartoon 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.

It is an undisputed fact that petitioner was neither apprehended at the spot nor alleged sub-standard vegetable oil has been recovered from him. He is alleged to be the partner of Vicky Setia but to the utter surprise, there is no documentary evidence showing his partnership with Vicky Setia, who is alleged to be the main culprit engaged in preparing and selling the sub-standard vegetable oil. Alleged recovery of sub-standard vegetable oil has already been effected from canter/pick up bearing registration No. PB-03-AC-0814, as per the case of prosecution. Petitioner has nothing to do with the said vehicle. He is neither owner nor driver of the said vehicle.

In such circumstances, this Court deems it a fit case to exercise the discretion envisaged under Section 438(2) Cr.P.C.

In view of what has been discussed above, instant petition is allowed and in the event of arrest, petitioner shall be released on interim bail to the satisfaction of Investigating Officer. He shall join the investigation as and when required by the Investigating Officer. He shall also comply with the other conditions as envisaged under Section 438 (2) of the Code of Criminal Procedure.

March 23, 2015
sham

(JASPAL SINGH)
JUDGE