

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

**CRM-M-42309-2015 (O&M)
Date of decision: 15.12.2015**

Nathu Ram

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Vikas Chatrath, Advocate
for the petitioner.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No.686 dated 06.11.2015 under Section 7 of Essential Commodities Act, 1955 and Section 420 IPC, registered at Police Station City Fatehabad, District Fatehabad.

Learned counsel for the petitioner submits that offence under Section 7 of the Essential Commodities Act, 1955 was bailable and the offence under Section 420 IPC was not made out against the petitioner. He further submits that in such a situation, custodial interrogation of the petitioner would not be required. He prays for allowing the present petition.

Having heard the learned counsel for the petitioner at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case, petitioner has not been found entitled for the concession of anticipatory bail at the hands of this Court, for the following more than one reasons.

As per the allegation levelled in the FIR, firm of the petitioner was not even registered under the Ordinance, 1999. During the course of hearing, when a pointed question was put to learned counsel for the petitioner to show any relevant document to make out a prima facie in favour of the petitioner, as to how he was entitled to manufacture the Type-I and Type-II samples drawn from his stock, he had no answer and rightly so, it being a matter of record. Once the petitioner was not having any requisite permit or licence to manufacture the cattle feed in question, the allegation levelled against him becomes more serious. In such a situation, it shall be the compulsive necessity of the investigating agency to have the custodial interrogation of the petitioner, with a view to carry out an effective investigation.

In view of the above and without commenting anything further on merits, lest it should prejudice the case of either side at a later point of time, no case for anticipatory bail is made out.

Dismissed.

[RAMESHWAR SINGH MALIK]
JUDGE

15.12.2015
vishnu