

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

**C.R.M-M No.44496-2014
Date of Decision : 01.10.2015**

Rakesh Mahajan @ Vicky

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Ritesh Pandey, Advocate
for the petitioner.

Mr. A.P.S.Gill, AAG, Punjab.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This is a petition for grant of anticipatory bail to the petitioner under Section 438 Cr.P.C. in case FIR No.171 dated 18.11.2014 registered under Section 7 of Essential Commodities Act and Section 9-B of Explosive Act at Police Station Dhariwal, District Gurdaspur.

On 29.12.2014 the following order was passed:-

“Learned counsel for the petitioner inter alia contends that offence under Section 7 of Essential Commodities Act, was bailable and had become non-bailable upto 1996 and thereafter, there was no ordinance to make it non-bailable.

Notice of motion for 16.01.2015.

In the meanwhile, in the event of arrest of the petitioner, he shall be released on bail to the satisfaction of the Arresting Officer, subject to the conditions contained in Section 438 (2)

Cr.P.C.. He will join the investigation as and when required.”

Learned Assistant Advocate General, on instructions from ASI Harjit Singh states that the report of the District Food & Supply Controller has been filed as per which the godown has been sealed and all the cylinders have been confiscated. He has accepted the fact that the petitioner has joined the investigation and no longer required for custodial interrogation.

In these circumstances, I do not deem it appropriate to deny anticipatory bail to the petitioner.

Resultantly, the petition is allowed. The interim order dated 29.12.2014 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

**(AJAY TEWARI)
JUDGE**

01.10.2015

Pooja sharma-I