

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.11883 of 2016

Date of Decision:-22.04.2016

Subash Chander & Anr.

.....Petitioners.

Versus

State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. S.K. Bawa, Advocate for the Petitioners.

Ms. Rimplejit Kaur, Assistant Advocate General, Punjab
assisted by SI Hardev Preet Singh.

JASWANT SINGH, J (ORAL)

Prayer is under Section 438 Cr.PC for grant of anticipatory bail to the petitioners father-son duo i.e. Subash Chander and Vijay Kumar in case FIR No.0062 dated 22.03.2016 for offences punishable under Sections 420 of Indian Penal Code and Section 7 of the Essential Commodities Act, 1955 registered with Police Station Phagwara City, District Kapurthala.

Petitioner no.1-Subash Chander is a licensed depot holder for distribution of kerosene oil under the PDS system. On a secret information that the accused party was illegally transporting kerosene oil, a *naka* was laid; a mini truck was intercepted; and recovery of 3 drums containing 657 liters of kerosene oil was effected from the apprehended accused Bhupinder

Singh while present two accused are alleged to have fled away. On the disclosure statement of the apprehended accused, name of the petitioners surfaced.

It is contended that the petitioners have not been apprehended at the spot and have no concern with the apprehended driver Bhupinder Singh or the vehicle illegally carrying the kerosene. It is further contended that they have been falsely implicated and as such nothing is to be recovered from the petitioners.

Learned State Counsel assisted by SI Hardev Preet Singh submits that the apprehended driver Bhupinder Singh has specifically named both the petitioners from whom 657 liters of kerosene meant for distribution to the weaker section was loaded in his vehicle as they are the licensed depot holder for distribution of Kerosene. He has also disclosed that the two accused who fled away from the spot were both the petitioners and kerosene was being transported from Jalandhar to Phagwara for sale in open market. She further states that the custodial interrogation of the petitioners is required to determine the modus operandi of such sale of kerosene meant for distribution to weaker section.

After hearing learned Counsel for the parties, keeping in view the nature and gravity of the offence, no case for grant of anticipatory bail to the petitioners is made out. It is felt that the custodial interrogation of the petitioners would be required for having a fair and proper investigation.

Dismissed.

(JASWANT SINGH)
JUDGE

April 22, 2016
Vinay