

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-20884-2018

DATE OF DECISION:-05.12.2018

YADWINDER SINGH

...PETITIONER...

V.

STATE OF PUNJAB AND ORS.

...RESPONDENTS...

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Aminder Singh, Advocate,s
for the petitioner.

Mr. A.S. Gill, DAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Reply by way of affidavit of Mr. Kirpal Singh, Insecticide Inspector, Tarn Taran now Analytical Chemist Fertilizer Quality Control Laboratory, Punjab Ludhiana, on behalf of respondent No.1 has been filed in Court today. The same is taken on record. Be tagged at appropriate place.

Through this petition under Section 482 Cr.P.C., prayer has been made for quashing complaint No.21 dated 01.04.2016 under Section 29 read with Section 3(K) (i) 17, 18, 29 and 33 of Insecticide Act, 1968 and Rules 10 & 27(5) of Insecticide Rule 1971, titled as "*State vs. M/s Golden Kheti Store and others*" (P-1) pending before Id. SDJM, Patti, District Tarn Taran, against him as well as summoning order dated 01.04.2016 (P-2).

In nutshell, on 10.02.2015, Insecticide Inspector raided the shop of respondent No.2 and drew samples of insecticide i.e. Monocrotophos 36% S.L., which, vide report dated 09.03.2015 of Senior Analyst, on analysis, was found to be misbranded. Consequently, Insecticide Inspector, Tarn Taran, prosecuted dealer, distributor, manufacturer and seller by filing a complaint under aforesaid sections in the Court of Id. SDJM, Patti, District Tarn Taran. The petitioner and other co-accused were summoned vide order dated 01.04.2016 (P-2) to face trial under the aforesaid sections.

Learned counsel for the petitioner contends that petitioner was only Godown Incharge, being under the employment of respondent No.6-M/s United Phosphorus Ltd., manufacturer of the aforesaid insecticide. The petitioner had no role or control in the manufacturing, selling and distribution of the aforesaid insecticide. He has illegally been summoned to face trial.

Learned State counsel has not been able to refute the submissions made by learned counsel for the petitioner.

Resultantly, agreeing with the contention of learned counsel for the petitioner in toto, petition is accepted and impugned complaint No.21 dated 01.04.2016 (A-1) and summoning order dated 01.04.2016 are quashed qua the petitioner only.

05.12.2018

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whether speaking/reasoned:**whether reportable:****(RAMENDRA JAIN)****JUDGE****Yes/No****Yes/No**