

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

CRM-M-21234-2017

Date of decision:-18.5.2018

Manoj Kumar

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Argued by: Mr. Guneet Babbar, Advocate
for the petitioner.

Mr.C.L. Pawar, Sr.D.A.G., Punjab.

H.S. MADAAN, J.

The instant petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by petitioner – Manoj Kumar, an accused in FIR No.37 dated 10.5.2017, under Section 7 of the Essential Commodities Act, 1955 and under Sections 420, 465, 467, 471, 427, 120-B registered with Police Station Arniwala.

Briefly stated, the facts of the case are that on 9.5.2017, Seed Inspector, Fazilka had addressed a written complaint to SHO Police Station Arniwala, District Fazilka seeking taking legal action against the dealer of selling duplicate seeds of cotton of Rashi 773. *Inter alia*, in the complaint, the complainant submitted that on 9.5.2017, the officer of Rashi Seed Sh.M.K. Parija, Territory Manager, Abohar had submitted a

written complaint to him that duplicate seed of their Rashi Company had been sold at Namberdar Seed Store, Fazilka vide lot No.473893, which had not been supplied; that the farmers had purchased the said seed; that when record of Namberdar Seed Store, Fazilka was checked, it came out that the seed in question had been supplied by M/s Kukker Trading Company, Arniwala through bill; that record of M/s Kukker Trading Company, Arniwala was checked, which revealed that 1050 packets had been supplied through M/s Aniket Traders, New Grain Market, Sri Muktsar Sahib; that bill of that company was also there. In the complaint submitted by Seed Inspector, Fazilka, it was mentioned that M/s Aniket Traders, New Grain Market, Sri Muktsar Sahib is not the authorized dealer of Rashi Company and M/s Kukker Trading Company, Arniwala could not receive seeds from the said concern. Involvement of Manoj Kumar, Proprietor of M/s Kukker Trading Company, Arniwala was found in the scam showing violation of Section 7 of the Seed Act, 1966 besides committing fraud with farmers. On receipt of the written complaint, formal FIR was registered. The matter was investigated.

Apprehending his arrest in this case, the petitioner has approached the Court of Sessions for grant of pre-arrest bail but his such application was declined by learned Additional Sessions Judge, Fazilka vide order dated 25.5.2017. Feeling aggrieved, he has approached this Court for grant of similar relief.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

The accused is stated to be the main culprit, who had supplied spurious cotton seeds to the farmers and various dealers. The

criminal acts attributed to the petitioner cannot be taken lightly since spurious seeds not only harm the farmers economically by affecting the productivity but result in a national loss also. The accused is stated to be involved in some other cases of similar nature. Pre arrest bail is a discretionary relief and is to be granted in exceptional cases and not in routine. It is meant to save the innocent persons from harassment and inconvenience and not to screen the culprits from custodial interrogation.

Custodial interrogation of the petitioners is definitely required to find out as to from where he had procured the spurious cotton seed and for complete and effective investigation. In case custodial interrogation of the petitioner is denied to the investigating agency, that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

18.5.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No