

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

**CRM-M-33958-2018 (O&M)
Date of Decision:- 9.8.2018**

M/s Insecticide India Ltd. Sambha and others ... Petitioners

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Arun Chandra, Advocate, for the petitioners.

GURVINDER SINGH GILL, J. (Oral)

By way of filing this petition, the petitioners seek quashing of complaint No.COMA/764 dated 23.12.2015, under Sections 3(k)(i), 17, 18, 29 and 33 of Insecticides Act, 1968, Punishable under Section 29(I)(9) of Insecticide Act, 1968 Rules 1971 and also summoning order dated 22.12.2016 whereby they have been summoned to face trial for the aforesaid offences on account of the fact that a sample of Atrazine 50% WP taken from M/s Agriculture Development Store was found to be misbranded. The said insecticide is stated to have been manufactured by M/s Insecticide Ltd.

The learned counsel has submitted that in fact there is no allegation in the complaint as regards the role and responsibility of the accused arrayed in the complaint and none of the accused can be said to be responsible for day to day affairs and work and conduct of the

manufacturing company. It has also been submitted that there is a delay in sending the sample for its analysis.

The petition is disposed of with a direction to raise all the points raised herein before the learned trial Court at the stage of framing of charges as the matter is stated to be fixed for 6.9.2018 to consider the framing of charges. Trial Court shall consider all the points raised by the petitioners by passing a speaking order qua each of the petitioners.

The presence of the petitioners shall remain exempted subject to the following conditions:

- (i) they will be represented by a counsel;
- (ii) they will not delay/stall the proceedings of the trial Court;
- (iii) they will not dispute his identity;
- (iv) they will have no objection if the prosecution evidence is recorded in his absence but in presence of his counsel;
- (v) they will appear before the trial Court as and when required and shall abide by any other condition which the trial Court may impose.

August 9, 2018

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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No