

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

CRM-M-33542-2017

Date of decision:-18.5.2018

Sunish Kumar

...Petitioner

Versus

State of Punjab

...Respondent

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

Argued by: Ms.Seema Arora, Advocate for
Mr. C.M. Munjal, 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 – Sunish Kumar, an accused in FIR No.37 dated 10.5.2017, under Section 3 of the Seed Control Order, 1983/Seeds Act 1966 read with Section 7(a & c) of Essential Commodities Act, 1955 and under Sections 420, 465, 467, 471, 427, 120-B registered with Police Station Arniwala, District Fazilka.

Briefly stated, the facts of the case as per prosecution story are that FIR in this case was registered on the basis of a written complaint submitted by Seed Inspector Fazilka to the local police, wherein he has stated that on 9.5.2017, an Officer of Rashi Seed Company had lodged a

written complaint with the Chief Agricultural Officer, Fazilka that Seed No.RCH-773, lot No.473893 has been shown to have been supplied in District Fazilka, whereas their company had never supplied seed there; that on checking of record of the firm of accused, it was found that it had allegedly purchased 1050 packets of such seed from M/s Aniket Traders Pesticides and Fertilizers, Sri Muktsar Sahib and out of those packets 800 packets had been sold to the dealers and 154 packets to the farmers and remaining 96 packets were sent back; that the seeds were found to be spurious, which had not been sold by Rashi Seeds Company to the dealer; that during investigation it has been found that M/s Kukkar Trading Company had purchased these spurious seeds from M/s Aniket Traders Pesticides and Fertilizers, Sri Muktsar Sahib, who was not the authorized dealers of M/s Rashi Seeds Company, in that way the petitioner had duped the farmers by supplying them spurious cotton seed.

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 16.8.2017. Feeling aggrieved, he has knocked at the door of 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