

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

CRM-M-46279-2017 (O&M)

Date of decision:06.04.2018

Avneet Goyal

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: Mr. P.D. Gupta, Senior Advocate with
Mr. Abhishek Gupta, Advocate and
Mr. Vipul Dharmani, Advocate for the petitioner.

Mr. Deepak Grewal, DAG, Haryana.

Mr. Parminder Singh, Advocate for the complainant.

...

TEJINDER SINGH DHINDSA, J.(ORAL).

CRM-7871-2018:

Application is allowed as prayed for. The accompanying E-Auction Tender Notice as also supply orders are taken on record as Annexures P-9 and P-10 (colly).

Application is disposed of.

Main case:

This order shall dispose of the instant petition preferred under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.0364, dated 16.10.2017, under Section 7 of the Essential Commodities Act, 1955 and Sections 406/420 IPC, registered at Police Station Baldev Nagar, District Ambala.

While issuing notice of motion, the following order was passed by this Court on 06.12.2017:

“This is a petition for the grant of anticipatory bail to the petitioner in case FIR No.364 dated 16.10.2017 registered at Police Station Baldev Nagar, Ambala, Haryana, for the offences under Section 7 of the Essential Commodities Act, 1955 and Sections 406 and 420 of the Indian Penal Code, 1860.

The petitioner is the sole proprietor of M/s R.B. Enterprises, 4064, Naya Bazar, Delhi. The petitioner had supplied Chana Dal to the State of Haryana for being issued to Fair Price Shops under 'Dal Roti Scheme'.

The allegations against the petitioner are that 1253.53 quintals of chana dal was found to be 'sub-standard' instead of 'standard'.

Learned senior counsel for the petitioner contends that on delivery of chana dal initially a joint inspection was carried out on 09.05.2017 by a team of officers, including DM Confed-cum-DFSC and Tehsildar Ambala. He states that during the inspection, samples were taken, which were found to be as per prescribed specifications and the dal was found to be suitable, for being supplied to the Fair Price Shops under Dal Roti Scheme. He further states that on 23.05.2017 sample was drawn, which was specifically found to be free from insect infestation and fungus. It was found to be dry & clean. However, there was green coloured (unripened) chana daal in abundance. With reference to the provisions of the Food Safety and Standards Act, 2006 he states that the said sample has only been labelled as 'sub standard' [as defined in Section 3(zx) as distinct from being 'hazards' [as defined in Section 3(u) and causing adverse health effect. Learned senior counsel states that the petitioner firm has been supplying articles to the State for the last many years and there has been no complaint with regard thereto.

Notice of motion for 08.02.2018.

In the event of arrest, the petitioner shall be released on interim anticipatory bail to the satisfaction of the Arresting/

Investigating Officer, subject to the conditions provided under Section 438(2) Cr.P.C. The petitioner is also directed to join the investigation and cooperate with the Investigating Agency, as and when required.”

Learned State counsel upon instructions from ASI Sunil Kumar informs the Court that the petitioner has since joined investigation.

He further apprises the Court that offence cited under the provisions of the Essential Commodities Act, 1955 has since been deleted. That apart, the observations made by this Court in the notice of motion order dated 06.12.2017 have gone un rebutted.

Under such circumstances, custodial interrogation of the petitioner would not be warranted.

Without expressing any opinion on the merit, petition is allowed. Order dated 06.12.2017 passed by this Court is made absolute.

Disposed of.

06.04.2018

harjeet

**(TEJINDER SINGH DHINDSA)
JUDGE**

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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |