

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

CRM-M-48252-2017

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. Ashok Kumar Sama, 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.38 dated 10.5.2017, under Section 7 (A) of the Seeds Act and under Sections 420, 465, 467, 471, 427, 120-B registered with Police Station Arniwala.

Briefly stated, the facts of the case are that the FIR was registered against the petitioner on the allegations that he has been selling spurious seeds of Rashi Seeds Company to the dealers as well as farmers. As a matter of fact, such seeds found in possession of the petitioner and further supplied by him, had not been supplied or sold to him by Rashi Seeds Company.

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 5.12.2017. 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