

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

**CRM-M-14363-2019
Date of decision: 17.05.2019**

Sachin

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Parveen Chauhan, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.15 dated 21.02.2017 under Section 28 of The Fertilizers (Control) Order 1985, Section 7 of Essential Commodity Act, 1995 and Section 420 IPC, registered at Police Station Bahawwala, District Fazilka.

The operative part of the order dated 22.04.2019, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that though under the Fertilizers (Control) Order, 1985, the complaint would lie, however, it will be a debatable issue whether the bio-fertilizer recovered from the premises, where the petitioner is working as Assistant Branch Manager of Nava Barat Fertilizer Limited, would fall under the Essential Commodity Act, 1995, for violation of which, present FIR has been registered. Learned counsel for the petitioner has relied upon various documents i.e. company's registration certificate and the licences issued to the petitioner from time to time, which cover the alleged recovery of Vijaya Gromin Brand and Jumbo111

Branch. Learned counsel has also relied upon authority letter issued by the Chief Agricultural Officer to show that Nava Bharath Fertilizers Ltd. was authorized to sell the bio-fertilizers and submits that the petitioner is ready to join the investigation. Learned State counsel, on instructions from ASI Iqbal Singh, submits that the petitioner be directed to join the investigation. List again on 17.05.2019.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 22.04.2019,, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from ASI Iqbal Singh, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 22.04.2019, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

17.05.2019

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No