

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

**CRM-M No.37485 of 2018 (O&M)
Decided on: 12.07.2019**

Satdev

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present : Mr. S.R. Hooda, Advocate
for the petitioner.

Mr. Jagmohan Ghumman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No. 50 dated 17.06.2018, registered under Sections 420, 465, 467, 468, 471 and 120-B of the IPC, Section 7 of the Essential Commodity Act and Sections 5, 25(1), 35(1)(A)(B) of the Fertilizer Control Order, 1985 at Police Station Bahawwala, District Fazilka.

The operative part of the order dated 29.08.2018, vide which interim anticipatory bail has been granted to the petitioner, is reproduced as under:-

“...Learned counsel for the petitioner submits that the petitioner is a farmer and has purchased 63 bags of fertilizer from a firm for his own use and the firm has sold the same to the petitioner against a valid bill. It is further submitted that the FIR has been registered on account of a political dispute between the complainant and co-accused Suresh Satija who belongs to the opposition. Suresh Satija

is involved in another FIR despite the fact that he was granted bail in the present FIR.

Learned counsel for the petitioner further submits that prior to filing anticipatory bail application, the petitioner has filed an application for release of his tractor trolley on Supardari which was allowed by the Court, however, the anticipatory bail application has been dismissed on the premise that the petitioner has illegally brought the fertilizer from Rajasthan for selling at Abohar. Learned counsel for the petitioner submits that in fact the petitioner has purchased the said fertilizer for his own use against a valid bill and he is not involved in any other case.

Notice of motion for 13.11.2018....”

Counsel for the petitioner has submitted that, in pursuance to the order dated 29.08.2018, the petitioner has appeared before the Investigating Officer and has joined the investigation. It is further submitted that the petitioner has also joined the investigation as and when directed by this Court before the Investigating Officer and the SIT, which was constituted later on, during the investigation.

Counsel for the State, on instructions from Inspector Jaskanwar Singh, has not disputed the aforesaid fact and submits that though the petitioner has joined the investigation, however, he is still required for further investigation.

In view of the above, this petition is allowed and the interim bail granted to the petitioner vide order dated 29.08.2018 is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

In case before completion of the investigation, the

petitioner is still required for any further investigation, then it will be open for the Investigating Officer/SIT to call him by giving an advance notice in writing.

(ARVIND SINGH SANGWAN)
JUDGE

12.07.2019
yakub

Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No