

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

CRM-M-21116-2019 (O&M)

Date of Decision:-14.5.2019

Tushar Gulati

... Petitioners

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gautam Dutt, Advocate for the petitioner.

Ms. Aditi Girdhar, Assistant Advocate General, Haryana.

GURVINDER SINGH GILL, J. (Oral)

By way of filing this petition, the petitioner seeks grant of regular bail in respect of a case registered against him vide FIR No.120 dated 12.3.2019 under Sections 420, 468, 471, 120-B IPC and Section 29 of Insecticide Act, 1968 at Police Station Pehowa, District Kurukshetra.

The FIR was lodged on the basis of a secret information to the effect that the petitioner is proprietor of M/s H.R. Enterprises, Pehowa and that he was indulging in tampering with the expiry dates of pesticides and also Batch Number etc.

Pursuant to receipt of aforesaid information, a raid was conducted on the premises of the petitioner from where huge quantity of expired insecticides with forged expiry dates and Batch numbers and printing material including thinner, black ink, scrapper, solvent, marker, bleaching powder etc. were recovered. The petitioner himself was nabbed at the spot along with three other persons. Some tampered labels were also recovered from the spot.

The learned counsel for the petitioner has submitted that even if the allegations are taken to be correct, the same, at best, would only amount to violation of Rule 20 of Insecticides Rules, 1971, which is punishable for a maximum period of six months. Learned counsel for the petitioner has further submitted that the petitioner is a young man who has to take his M.Sc. Agriculture examination, which has already commenced from today.

Opposing the petition, the learned State counsel has submitted that it is virtually a case of spurious insecticides inasmuch as expired insecticides were being brought into circulation by tampering with the date of expiry and batch number and which apart from offence under Section 29 of the Insecticide Act would also attract offences under Sections 420, 468, 471, 120-B IPC.

Having regard to the facts and circumstances and while bearing in mind that the petitioner is a student, who has been behind bars since the last 2 months and is stated to appear in M.Sc. examination, a lenient view is called for. The petition, as such, is accepted and the petitioner Tushar Gulati is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned Illaqa Magistrate/Duty Magistrate, concerned.

14.5.2019
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No