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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-10689-2020
Date of decision-13.03.2020

Darshan Singh

...Petitioner

Vs.

State of Punjab and another

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

MANOJ BAJAJ, J. (Oral)

Petitioner-Darshan Singh has filed this petition under Section 439 (2) Cr.P.C for cancellation of bail granted to respondent No.2 vide order dated 27.01.2020 by Additional Sessions Judge, Amritsar in case FIR No.261 dated 26.10.2019 registered under Sections 420 and 120-B of Indian Penal Code, 1860, Sections 101-D, 103 and 104 of Trades Mark Act, 1999 and Sections 7-39 of Essential Commodities Act, 1955 at Police Station Jandiala, Amritsar.

Learned counsel for the petitioner contends that though the prayer of respondent No.2 for granting him bail under Section 167 (2) Cr.P.C was declined by the trial Magistrate but the same was granted by learned Sessions Judge in a revision filed by respondent No.2.

A perusal of the impugned order reveals that the allegations against respondent No.2 are that he was in possession of adulterated desi ghee meant for public sale.

During the course of hearing, it is not disputed by learned counsel that the concession extended to the accused has not been misused by him. Further, learned counsel for the petitioner is unable to give relevant dates in support of his argument.

Considering the nature of the offence and the fact that the final report stands filed, this Court is not inclined to exercise the power under Section 439 (2) Cr.P.C, particularly when the concession has not been misused by respondent No.2.

Petition is dismissed.

(MANOJ BAJAJ)
JUDGE

13.03.2020

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No