

Date of decision: 10.08.2020

....Petitioner

....Respondent

CRM-M-21177-2020

....Petitioner

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Present: Mr. Rahul Sharma, Advocate
for the petitioner.

Mr. Amit Mehta, Senior DAG, Punjab
for the respondent-State.

FATEH DEEP SINGH, J.(ORAL)

Due to outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The above two detailed anticipatory bail applications, one filed by Raj Kumar (CRM-M-20774-2020) and another filed by Happy Kumar (CRM-M-21177-2020) under Section 438 Cr.P.C. in a case bearing FIR No.218 dated 20.08.2019 under Sections 420, 272

and 273 of the Indian Penal Code registered at Police Station Lehra, District Sangrur, having arisen in the same FIR and are being taken up and disposed off together by common order.

The brief allegations are that secret information was received by the police that the petitioners who are running rice sheller and carrying on sale and purchase of food grains under the name of M/s Ganpati Rice Mills are preparing spurious skimmed milk supplying to various dealers.

On the basis of this information, a raid was conducted leading to the recovery of the contraband and which samples so sent to the laboratory confirmed that the articles did not satisfy the requirements of law.

Learned counsel for the petitioner *inter alia* contends that no criminal offence under Sections 420/272/273 of the Indian Penal Code is made out and at the most offence, if any, is made under the Food Safety and Standards Act and has vehemently submitted that nothing is to be recovered from the petitioners who have been falsely implicated and they have no role to play in the present case as they are only *arthiyas* running rice sheller and has sought to place reliance on Annexures P-2, P-3 and P-4.

The learned State counsel has strongly opposed the grant of bail on the grounds that the petitioners are running nefarious trade, selling spurious skimmed milk which is undermining the health of the people and their custodial interrogation is very much essential

to unearth the nexus.

Appreciating the arguments and what is reflected from the report of lab placed on the file by the State shows that the sample of skimmed milk so alleged to have been recovered on the rice sheller premises of the petitioners who both are, father and son, was not only substandard but was also unsafe for human consumption and it was also being sold beyond expiry period. The State is already reeling under such spurious sale of food articles/liquor *et cetera* which is being patronaged by political bigwigs. The Courts, as tools of social justice as well, needs to come to the aid of the society. Such like food items are not only unsafe but also have serious repercussions on the health of people including minors. The investigations are at crucial stage and keeping in view the provisions of Section 438 Cr.P.C., this Court does not feel incline to allow the present petitions.

Both the petitions stand dismissed.

10.08.2020
Neha

(FATEH DEEP SINGH)
JUDGE

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