

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

-.-

CRM-M-35866-2020 (O&M)

Date of decision : 16.12.2020.

Vinod Kumar

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Vikram Singh, Advocate, for the petitioner.

Mr. Naveen Singh Panwar, DAG, Haryana.

ALKA SARIN, J. (ORAL)

Heard through video conferencing.

On 09.11.2020, the following order was passed:-

“This is a petition under Section 438 of the Code of Criminal Procedure, 1973 for grant of anticipatory bail to the petitioner in FIR No.514 dated 05.09.2020 under Sections 272, 420 of Indian Penal Code, 1860 and Sections 50, 51, 52, 54 and 59 of the Food Safety and Standard Act, 2006 registered at Police Station Chandani Bagh, Panipat, District Panipat.

Learned counsel for the petitioner has contended that the police has no jurisdiction to take cognizance in respect of offences that are alleged in view of Section 42 of the Food Safety and Standard Act, 2006. He further contends that there is a complete procedure which has been prescribed under Section 42 and without the procedure being followed, no cognizance of any offence having been committed under the Act can be taken. Learned counsel for the petitioner relies upon the orders passed by this Court in CRM-M-43580-2020.

On the last date of hearing i.e. 04.11.2020 learned counsel for the State was directed to file a detailed reply explaining therein their jurisdiction to launch prosecution in the present case. Learned State counsel seeks some more time to file his reply.

List on 16.12.2020.

Meanwhile, the petitioner is directed to join investigation as and when called for. In the event of arrest, the petitioner shall be admitted to interim bail on furnishing adequate surety and personal bonds to the satisfaction of the Arresting Officer. The petitioner shall abide by all the terms and conditions as specified in Section 438(2) of the Code of Criminal Procedure, 1973.

CRM-M-43580-2020 has wrongly been mentioned, it should actually read as CRM-M-43580-2019.”

Though a reply has been filed, the same was prepared prior in time i.e. on 05.11.2020 that is prior to the passing of order by this Court.

Learned counsel for the State, on instructions from ASI-Rajbir Singh, has stated that the petitioner has since joined investigation and that he is no longer required for further investigation as of now.

In view of the above, the order dated 09.11.2020 is made absolute. The petitioner shall, however, join investigation as and when called. The petitioner shall also abide by all the terms and conditions as specified under Section 438(2) of the Code of Criminal Procedure, 1973.

Disposed off accordingly.

December 16, 2020

tripti

NOTE:

Whether speaking/non-speaking: Yes/No
Whether reportable: Yes/No

(ALKA SARIN)
JUDGE