

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

212

CRM-M-16416-2021 (O&M)

Date of Decision: 31.08.2021

Vikram Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ravinder Bangar, Advocate,
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana
assisted by ASI Parveen Kumar.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.73 dated 24.3.2021 at Police Station Chhachhrauli, District Yamuna Nagar, under Sections 420, 120- B IPC and Section 7 of Essential Commodities Act.
2. At the time of issuance of notice of motion on 12.04.2021, the following order was passed:

“Case has been heard through video conferencing on account of COVID-19 Pandemic.

This is the first anticipatory bail application under Section 438 Cr.P.C. in case having FIR No.73 dated 24.3.2021 under Sections 420, 120- B IPC and Section 7 of Essential Commodities Act registered at

the Police Station Chhachhrauli, District Yamuna Nagar.

Notice of motion.

At this stage, Mr. Kirpal Singh Thakur, AAG, Haryana accepts notice on behalf of the State.

As per the allegations in the FIR, the police party raided the factory premises of S.S. Termiseal Enterprises on the basis of secret information and recovered 31 bags (each weighing 45 Kgs.) of agriculture grade Uttam Neem Urea from the vehicle and 4 bags of agricultural grade Urea Ujjwalla were also recovered from the premises of the aforesaid factory owned by the Lakhvinder Singh.

The counsel for the petitioner contended that the petitioner is innocent and has nothing to do with the aforesaid recovery. He is simply an authorized dealer of urea fertilizers and he is ready to join the investigation.

On the other hand, the State counsel submitted that he is a prime accused and is required by the police for proper investigation of the case.

I have considered rival contentions raised by the parties.

Query has been put to the State counsel as to whether factory premises of Lakhvinder Singh has been sealed or not, on which the State counsel requested for short adjournment to seek necessary instructions in this regard.

In this case, the alleged recovery has already been effected from the premises of factory of Lakhvinder Singh. As per the counsel for petitioner, non-applicant Lakhvinder Singh was arrested and has been released on regular bail.

Accordingly the matter is adjourned to 11.5.2021 with a direction to the State counsel to do the needful and to submit the status report.

In the meantime, in the event of arrest of the petitioner, he shall be released on interim bail by the Investigating Officer/Arresting Officer to his own satisfaction subject to the conditions contained in Section 438(2) Cr.P.C. He shall join the investigation with the police well in time before the next date of hearing.

The SHO of the concerned police station is directed to submit his compliance report to this Court on or before the next date of hearing.”

3. Learned State counsel upon instructions has informed that pursuant to interim directions issued by this Court, the petitioner has since joined investigation and is not required for any custodial interrogation and that he is not wanted in any other case.
4. Having regard to the facts and circumstances of the case and while bearing in mind that the recovery already stands effected and that the petitioner has joined investigation, his custodial interrogation is not warranted. The petition is accepted and the interim directions issued by this Court vide order dated 12.04.2021 are hereby made absolute subject to the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

31.08.2021

VY/Vimal

**(GURVINDER SINGH GILL)
JUDGE**

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