

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

(203)

CRM-M-31968-2021.
Date of Decision:-09.11.2021.

Bhu Dev

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Piyush Aggarwal, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.326 dated 28.07.2021 under Sections 7/10/55 of the Essential Commodities Act, 1955 and Sections 188 and 201 of IPC, registered at Police Station Beri, District Jhajjar.

On 10.08.2021, this Court was pleased to pass the following order:-

*“The petitioner has filed the present petition for grant of
anticipatory bail in FIR No.326 dated 28.07.2021 registered
under Sections 7/10/55 of the Essential Commodities Act, 1955*

and Sections 188, 201 of the Indian Penal Code, 1860 at Police Station Beri, District Jhajjar.

Learned counsel for the petitioner inter alia contends that as per Rule 13(1) of the Haryana Government Food and Supplies Department Order dated 13.07.2009, even before taking penal action, the licensee must be given a reasonable opportunity of being heard. It is contended that FIR No.304 dated 18.07.2021 was registered against the petitioner in violation of the said Rule. It is further contended that no specific allegation in the FIR was mentioned and it was only stated that grave illegalities have been found. However, no detail regarding the same was given.

Learned counsel for the petitioner has also relied upon representation dated 19.07.2021 (Annexure P-2), as per which it has been stated that the Depot had been opened in his absence. It is further contended that the petitioner had applied for anticipatory bail in FIR No.304 dated 18.07.2021 and the petitioner was granted interim protection which is continuing. It is further stated that the present second FIR has been registered on 28.07.2021 by Sh. Ishwar Singh, Inspector, Food, Civil Supplies and Consumer Affairs, who is the complainant in the first FIR also and the said FIR has been registered after a delay of five days. It is further contended that the petitioner is on bail/interim bail in all the other cases which are pending against him. It has also been argued that the books of accounts

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are already in custody of the complainant and the petitioner is also ready to cooperate with the Investigating Agency.

Notice of motion.

On asking of the Court, Mr. Parveen Bhadu, AAG, Haryana, appears and accepts notice on behalf of State of Haryana and seeks time to get instructions.

Adjourned to 31.08.2021

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner has submitted that in pursuance of the above order, the petitioner has joined the investigation.

Learned State counsel, on instructions from SI Rajesh, has submitted that the petitioner has joined the investigation.

Keeping in view the above-said facts and circumstances, moreso, the fact that the petitioner has raised submissions with respect to non-compliance of Rule 13 (1) of the Haryana Government Food and Civil Supplies Department order dated 13.07.2009 and also the fact that the petitioner has joined the investigation, the present petition for grant of anticipatory bail is allowed and the interim order dated 10.08.2021 is made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed

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independently of the observations made in the present case which are only
for the purpose of adjudicating the present bail application.

(VIKAS BAHL)
JUDGE

November 09, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No