

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

210

CRM-M-1436-2022

Date of Decision: 14.07.2022

Harbir Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Lovish Mittal, Advocate, for
Mr. Pratham Sethi, Advocate, for the petitioner.

Mr. Rahul Mohan, DAG, Haryana,
assisted by PSI Pardeep.

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.445, dated 17.12.2021, Police Station Chand Hut, District Palwal, under Sections 7 and 10 of the Essential Commodities Act, 1955 (Sections 409, 420 IPC added later on).
2. At the time of issuance of notice of motion on 13.01.2022, the following order was passed:

“The petitioner has approached this Court seeking grant of anticipatory bail in respect of a case registered against him vide FIR No.445, dated 17.12.2021, Police Station Chand Hut, District Palwal, under Sections 7 and 10 of the Essential Commodities Act, 1955 (Sections 409, 420 IPC added later on).

As per the case of prosecution a CM Flying Squad received secret information to the effect that the petitioner who was having a licence for distribution of subsidized grocery items was not carrying on the

distribution as per the prescribed rules and was selling the same in violation of the conditions prescribed therein. Upon receiving the said details, a raid was conducted and upon physical verification of the premises of the petitioner, he was found to have stored wheat, salt and other edible articles etc. much in excess of the quantity which he was supposed to possess. It is thus alleged that the petitioner had stored the same for black marketing at excessive price instead of distributing the same to the public/poor families at subsidized rates.

Learned counsel for the petitioner submits that he has falsely been implicated in the present case and that mere possession of certain food articles/grains ipso facto cannot be interpreted to mean that the same were to be sold in the black market by the petitioner. It has further been submitted that the petitioner otherwise has a clean record and apparently has been falsely implicated.

Notice of motion for 14.7.2022.

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

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 involved in one more case pertaining to Section 325 IPC.
4. Having regard to the aforestated position, wherein the petitioner is stated to have joined investigation and is not required for any custodial interrogation, the petition is accepted and the interim directions issued by this Court vide order dated 13.01.2022 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.

14.07.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

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