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

CRM-M-7956-2022 (O&M)

Date of Decision:10.05.2022

Vishnu Kumar

.. Petitioner

Vs.

State of Haryana and another

..Respondents

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Ms. Shaveta Sanghi, Advocate for the petitioner.
Mr. Sukhdeep Parmar, DAG, Haryana.

...

Manoj Bajaj, J. (Oral)

Petitioner has approached this Court under Section 438 Code of Criminal Procedure to seek anticipatory bail in a case FIR No.319 dated 28.10.2021 registered under Section 420 IPC and Sections 7 and 10 Essential Commodities Act, 1955 and Sections 4 and 35 Fertilizer (Control) Order 1985, at Police Station Ateli, District Mahendergarh, Haryana, who apprehends his arrest at the hands of Police.

On 24.02.2022, this Court had passed the following order:

“The instant petition has been filed under Section 438 Cr.P.C. seeking grant of anticipatory bail in case FIR No.319 dated 28.10.2021, registered under Section 420 IPC, Sections 7, 10 of Essential Commodities Act, 1955, Sections 4 and 35 of Fertilizer (Control) Order, 1985 at Police Station Ateli, District Mahendergarh, Haryana.

The allegation against the petitioner, who is the proprietor of M/s Vishnu Kumar and Company, Shop No.25, Anaj Mandi Ateli, is that at the time of raid conducted at Godown No.63 of the said firm, for checking of illegal stock of fertilizers, no documents were presented at the spot by petitioner's representative. Moreover, difference was found between the physical and online stock of fertilizer of the said firm, indicating black marketing of the fertilizer.

It is contended that a false FIR has been lodged against the petitioner as no physical or online stock was checked by the complainant as alleged in the said FIR. As per online stock in the morning on 28.10.2021, 200 bags in wholesale account of the aforesaid firm were shown but on the same day 2100 bags of fertilizers were purchased by the firm

and as such, total stock on online record was 2300 bags. During the physical checking, two snakes were found at the spot and due to that reason, no physical checking was conducted at the spot and in this regard, news was also printed in the Narnaul Bhaskar Paper dated 29.10.2021. Learned counsel further contended that the co-accused namely Sanjay has already been granted concession of anticipatory bail by this Court vide order dated 12.01.2022 (Annexure P-11).

Notice of motion for 10.05.2022.

Mr. Amreek Singh Narwal, Deputy Advocate General, Haryana accepts notice on behalf of the respondent-State. Copy of the paper book be supplied to learned State counsel, during the course of the day by hand or through e-mail.

In the meanwhile, petitioner is directed to join the investigation. In the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the following conditions, as envisaged under section 438(2) Cr.P.C:-

(i) that the petitioner shall make himself available for interrogation by a police officer as and when required;

(ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) that the petitioner shall not leave India without the previous permission of the Court. ”

Learned counsel for the petitioner has stated that in compliance of the above order, the petitioner associated himself in the investigation and cooperated during interrogation.

Learned State counsel, who is instructed by SI Ranbir Singh, states that indeed the petitioner has joined the investigation and is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 24.02.2022 is made absolute.

(MANOJ BAJAJ)
JUDGE

10.05.2022

Jasmine Kaur

Whether speaking/reasoned
Whether reportable

Yes No
Yes No