

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(209)

CRM-M-16186-2022

Date of decision: - 29.04.2022

Ram Kishore @ Kuldeep

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Prabhjeet Singh Sullar, Advocate
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is a first bail application under Section 439 Cr.P.C. for grant of regular bail to the petitioner in FIR No.68 dated 10.03.2022, registered under Section 7 of the Essential Commodities Act, 1955 and Sections 120-B, 285 and 420 IPC, at Police Station Mundkati, District Palwal.

Learned counsel for the petitioner has submitted that in the present case, the raiding party had enquired from co-accused Deepanshu with respect to the persons who were working at the premises from where the alleged recovery of adulterated diesel had been made and on enquiry, the said person had informed that he was the manager of the petrol pump and Mrityunjay Dikshit, Atul Kumar Singh, Chander Bhan Singh and

Surya Bhan Singh, were the persons who were running the said petrol pump in partnership. With respect to the present petitioner, it was stated that he was a salesman. Learned counsel for the petitioner has submitted that the present petitioner is a poor person and he was not aware as to whether the diesel which was being sold at the said pump was adulterated or not, as he was neither the supplier, nor the person who was the owner/partner running the said petrol pump. It is further submitted that the chemical examiner report has not been received as yet and thus, it cannot be stated that the diesel was even adulterated in the first place. It is also submitted that the petitioner has been in custody since 10.03.2022 and the investigation in the present case is still going on, thus, the trial is likely to take long time.

Learned State counsel, on the other hand, has opposed the present petition for regular bail and has submitted that the petitioner was a salesman at the said petrol pump from where the adulterated diesel has been recovered and thus, he does not deserve the concession of regular bail.

This Court has heard learned counsel for the parties and gone through the paper-book.

Perusal of the FIR would show that the raiding party had enquired from co-accused Deepanshu, who was the manager of the petrol pump and on enquiry, the said Deepanshu had stated that Mrityunjay Dikshit, Atul Kumar Singh, Chander Bhan Singh and Surya Bhan Singh were the persons who are running the petrol pump as partners and the present petitioner was stated to be a salesman. The question, as to

whether, the petitioner being a salesman, was aware about the diesel being adulterated or not, would be a moot point to be decided during the course of the trial. The chemical examiner report has also not been received as yet. The petitioner has been in custody since 10.03.2022 and since no recovery is to be made from the petitioner, thus, no useful purpose would be served by keeping the petitioner in custody.

Keeping in view the above-said facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail / surety bonds to the satisfaction of the concerned trial Court/ Duty Magistrate and subject to him not being required in any other case.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.

April 29, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?	Yes
Whether reportable?	Yes