

[201] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-35904-2021 (O&M)
Date of Decision : 15.02.2022

Prem Chand ...Petitioner

versus

State of HaryanaRespondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Parminder Singh, Advocate for the petitioner.
Mr. Tapan Kumar, DAG, Haryana.

B.S. Walia, J.

[1] On 09.09.2021, the following order was passed:-

“ Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Prayer in the petition under Section 438 Cr.P.C. is for grant of anticipatory bail to the petitioner in case FIR No.583 dated 04.11.2020 registered under Sections 7 & 10 Essential Commodities Act, 1955 and Sections 420, 467, 468 and 471 IPC besides Section 201 IPC added later on at Police Station Quilla Panipat, District Panipat.

Learned counsel contends that the petitioner was granted interim bail vide order (Annexure P-12) dated 31.03.2021 in CRM-M No.12144 of 2021 and the instant fresh petition has been filed on account of addition of offences under Sections 420, 467, 468, 471 besides Section 201 IPC.

Learned counsel contends that the aforementioned FIR was registered on the allegations that the petitioner had misappropriated mustered oil and sugar but the FIR was a misuse of the process of law since the depot-holder had already given request (Annexure P-4) dated 26.09.2019 to the Assistant Inspector (Food and Supply), Babarpur, Panipat to move stock

of 14 bags of ration, 90 ltrs. of oil and 59 kgs. of sugar from the depot which had been sealed on 15.07.2018 and that the Assistant Inspector (Food and Supply), Babarpur, Panipat vide (Annexure P-5) dated 14.10.2019 had written to the Inspector PR Centre, Babarpur to remove the said stock, but instead of removing the stock, FIR was got registered against the depot-holder under Sections 7 & 10 of Essential Commodities Act, 1955, 01 year after the submission of request for removal of the ration stock, solely on account of the petitioner having sought information under the RTI (regarding allotment of ration depots) to more than one person of the same family and subsequently offences under Sections 420, 467, 468, 471 IPC and Section 201 IPC were also added, on the allegations that the petitioner had fraudulently by signing as the depotholder received the ration. Learned counsel further contends that the depot-holder has already been granted regular bail, besides the recovery of the ration stock has already been made.

Learned counsel further contends that the petitioner has a clean record and is not involved in any other criminal case, besides is ready and willing to join investigation as and when directed and fully cooperate in the same.

Notice of motion.

Mr. Sandeep Singh Mann, learned Addl. AG, Haryana, accepts notice and requests for time to file reply while Mr. Suneel Ranga, Advocate requests for permission to assist in the matter.

Adjourned to 11.10.2021.

In the meantime, the petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner be released on ad-interim pre-arrest bail, subject to his furnishing bail/surety bonds to the satisfaction of the Arresting / Investigating Officer. The petitioner shall abide by the conditions envisaged under Section 438(2) Cr.P.C., failing which, the interim protection granted to

the petitioner, shall stand vacated. Reply be filed in the meantime inter alia indicating response to the plea of the petitioner of having been implicated in the case, solely on account of his having sought information under the RTI Act from the authorities regarding allotment of ration depot to more than one person of the same family of Pawan Singh Rana.

Liberty to the complainant to move an application for being impleaded as party. ”

[2] Today, learned counsel contends while learned DAG on instructions from *ASI Rana Pratap* confirms that pursuant to the order of this Court dated 09.09.2021, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre-arrest bail and that his custodial interrogation is not required.

[3] In view of the statement of the learned DAG, order dated 09.09.2021, passed by this Court, is made absolute. The petitioner shall abide with the conditions enumerated in Section 438(2) Cr.P.C.

[4] Petition stands *disposed of* in the aforementioned terms.

(B.S. Walia)
Judge

15.02.2022
'Rajneesh'

<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>