

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

204

**CRM-M-50388-2021
Date of decision: 12.01.2022**

SANJAY

.....PETITIONER

Versus

STATE OF HARYANA AND ANR.

.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Amreek Singh Narwal, DAG, Haryana

SANT PARKASH, J. (ORAL)

The case has been taken up for hearing through video conferencing.

Prayer in this petition under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner, in case, FIR No. 319 dated 28.10.2021 registered under Section 420 of the Indian Penal Code, 1860, Sections 7 and 10 of the Essential Commodities Act, 1955 and Section 4, 35 of Fertilizer (Control) Order, 1985 at Police Station Ateli, District Mahendergarh, Haryana.

While issuing notice of motion on 13.12.2021, this Court, granted interim anticipatory bail to the petitioner with direction to join the investigation. Relevant part of order dated 13.12.2021 reads as under :-

“The allegation against the petitioner is that at the time of raid conducted at M/s Vishnu Kumar and Company, Shop No.25, Anaj Mandi Ateli in their Godown No.63 for checking of illegal stock of fertilizers, no documents were presented at the spot by the petitioner, being the representative of the shopkeeper. 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 present petitioner has also filed a petition for quashing of the present FIR on merits vide CRM-M-49382 of 2021, in which this Court vide order dated 25.11.2021 has already issued notice of motion for 11.01.2022 (Annexure P-10).

Notice of motion for 11.01.2022.

Mr. Amreek Singh Narwal, DAG, 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.”

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has, while reiterating submissions made on 13.12.2021, submitted that in compliance with order dated 13.12.2021, the petitioner has joined the investigation and

he may be granted anticipatory bail as his custodial interrogation is not required in the case.

Learned State Counsel has, on instructions from S.I. Ranbir Singh, acknowledged that in compliance with order dated 13.12.2021 passed by this Court, the petitioner has joined the investigation and that his custodial interrogation in the present case is not required.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserve grant of anticipatory bail.

Therefore, the petition is allowed and order dated 13.12.2021 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to him.

12.01.2022
kavneet singh

(SANT PARKASH)
JUDGE

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