

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

CRM-M-12036-2023

Date of decision: 17.07.2023

Gajender Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rakesh Bakshi, Advocate
for the petitioner.

Mr. Ramender Singh Chauhan, AAG, Haryana.

SUVIR SEHGAL, J. (ORAL)

1. On 10.03.2023, this Court passed the following order:-

"The jurisdiction under Section 438 Cr.P.C., has been invoked for the grant of anticipatory bail to the petitioner in FIR No. 67, dated 17.02.2023, under Sections 10, 7 of Essential Commodities Act, 1955 and Sections 120-B and 420 IPC, registered at Police Station Gandhi Nagar (Yamuna Nagar).

Learned counsel for the petitioner contends that the petitioner had gone to his native village to attend a marriage, which was scheduled to be held on 16th and 17th February, 2023 and as such, was not present at the depot, when the raid was conducted by the officials of Food and Supply Department. It has been further asserted that the raid has been conducted on a secret information without associating the petitioner and in fact the lock of the depot was broken without any advance notice. Mr. Bakshi, learned Advocate vehemently contends that the petitioner is running the ration depot for the last 15 years and there is not even a single complaint against him by any consumer before any authority. It is also submitted that due to his extra-ordinary conduct and behaviour, he has good number of well-wishers and followers and led the protest against the newly introduced condition in the policy for allotment of ration depot to the persons having not more than 60 years of age and it is on this account, certain vested interest persons are harbouring enmity against him.

Learned counsel for the petitioner has concluded the submissions seeking

anticipatory bail stating that allegedly 14.5 kgs of wheat flour has been found to be short, out of 17 quintals 55 kgs shown in the stock register.

Notice of motion.

On the asking of Court, Mr. Ashok Kumar Sehrawat, DAG, Haryana and prays for dismissal of the present petition on the ground that a large amount of wheat flour was found less and in order to defraud the government and general public, the petitioner has sold the same illegally.

Be that as it may, considering the fact that the petitioner was not associated during the raid, who was admittedly not present in the village at that time added with the fact that no details of calculation has been supplied to the petitioner as to how the wheat flour was measured to be short, this Court directs the petitioner to be released on interim bail subject to the satisfaction of Arresting Officer/Investigating Officer, on his joining investigation as and when called for and cooperate in investigation and also shall abide by the conditions as envisaged under Section 438 (2) Cr.P.C.

Adjourned to 17.07.2023."

2. Upon instructions received from SI Nirmal Singh, State counsel submits that the petitioner has joined the investigation pursuant to order dated 10.03.2023 passed by this Court, cooperated with the Investigating Agency and he is no longer required for custodial interrogation.

3. In view of the above, but without commenting upon the merits of the allegations, petition is allowed. Order dated 10.03.2023 is made absolute subject to satisfaction of conditions laid down under Section 438 (2) of the Code of Criminal Procedure.

17.07.2023

Parveen kumar

(SUVIR SEHGAL)
JUDGE

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