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

CRM-M-27660-2023

Date of decision : 15.09.2023

Sumit Kumar

..... Petitioner

versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Sumeet Goel, Senior Advocate with
Mr. Namit Khurana, Advocate and
Mr. Shivam Kaushik, Advocate
for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

PANKAJ JAIN, J. (Oral)

1. While issuing notice of motion on 30.05.2023, the following order was passed:-

“1. Present petition is under Section 438 Cr.P.C. for seeking anticipatory bail to the petitioner in case FIR No.97 dated 06.05.2023 registered under Sections 3/7/10 of the Essential Commodities Act, 1955 and Sections 5/6/25/28/35 of the Fertilizer (Control) Order, 1985 and Sections 420/409/120-B/34 IPC, 1860 at Police Station Radaur, District Yamuna Nagar.

2. Learned Senior counsel contends that 130 bags of urea have been recovered from the tractor/trolley being driven by Karam Singh. On the basis of the disclosure statements, Sandeep Kumar was nominated as an accused. Subsequently, on the basis of the disclosure statement of Sandeep Kumar, Sunil Kumar was nominated as an accused. 60 bags

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of urea being carried in a vehicle, driven by Sunil were recovered. Sunil is working as a driver with the petitioner. The petitioner is the proprietor of M/s Kisan Sewa who has been authorized to carry on the business for transportation of urea. Even, the petitioner was not accompanying the vehicle when 60 bags of urea was recovered. The petitioner is though involved in another case of similar nature but he has been granted interim bail by the Co-ordinate Bench of this Court in terms of order dated 25.05.2023 (Annexure P-8). The co-accused, namely, Aslam Ansari has been granted interim bail by this Court in terms of order dated 25.05.2023 passed in CRM-M-26713-2023.

3. Notice of motion.

4. Mr. Ranvir Singh Arya, Addl. AG, Haryana accepts notice on behalf of the respondent-State.

5. Adjourned to 15.09.2023.

6. Meanwhile, it is directed that in the event of arrest, the petitioner be admitted on interim bail on furnishing bail bonds to the satisfaction of the Arresting Officer subject to the condition that he joins the investigation and comply with other conditions as specified under Section 438(2) Cr.P.C.

7. To be heard along with CRM-M-26713-2023.”

2. Today, learned State counsel, on instructions from SI Nar Singh, has stated that pursuant to the order dated 30.05.2023, the petitioner has joined investigation and is no longer required for custodial interrogation.

3. In view of above, the interim order dated 30.05.2023 passed by this Court is made absolute, subject to the conditions as

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enumerated under Section 438(2) Cr.P.C.

4. This order should not be treated as "blanket" order. It will not be read granting petitioner indefinite protection from arrest. It shall be confined to the FIR mentioned *ibid* and will not operate in respect of any other incident that involves commission of an offence.
5. This order does not in any manner limit or restrict the rights or duties of the police or investigating agency, to investigate into the charges against the petitioner.
6. The petitioner shall be deemed to be in custody for the purpose of Section 27 of the Evidence Act, 1872 in regard to a discovery of facts made in pursuance of information supplied by the petitioner in case the occasion arises.
7. It will be open to the police or the investigating agency to move this court for a direction under Section 439 (2) Cr.P.C. to arrest the accused, in the event of violation of any term, such as absconding, non-cooperating during investigation, evasion, intimidation or inducement to witnesses with a view to influence outcome of the investigation or trial.
8. Needless to say that anything observed herein shall not be construed to be an opinion on the merits of the case.
9. Disposed off accordingly.

(PANKAJ JAIN)
JUDGE

15.09.2023
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No