

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-35749-2023
Reserved on: 21.08.2023
Pronounced on: 24.08.2023

Deepak

. . . . Petitioner

Vs.

State of Haryana

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Pankaj Bali, Advocate, for the petitioner.

Mr. Vipul Sherwal, AAG, Haryana.

DEEPAK GUPTA, J.

Prayer in this petition, filed under Section 438 Cr.P.C., is to grant anticipatory bail in case FIR No.315 dated 22.06.2023 registered at Police Station Jind City, District Jind under Sections 420, 467, 468, 471, 272, 273 & 120B IPC, Sections 7/10/55 of Essential Commodities Act, 1955 and Section 63 of Copy Right Act, 1957.

2. As per allegations, a secret information was received by the Police on 21.06.2023 to the effect that Hunny Mittal and Bachan Lal are running a factory for manufacturing spurious ghee, by adding chemical and scent in refined oil and dalda and that the spurious ghee was being prepared in the name of branded companies i.e., Amul, Nova, Saras etc. and sold in the market. Raid was conducted. Hunny Mittal and Bachan Lal were found packing spurious ghee at the spot. 780 liters of spurious ghee was recovered besides other articles like weighing machine, pouch ceiling machine, containers, empty cartons and 850 empty packets of

Amul ghee etc. The owner of the godown Hunny Mittal could not produce any license regarding manufacturing the ghee. Samples were drawn. FIR was registered.

3. It is contended by ld. counsel for the petitioner that petitioner is nowhere named in the FIR; that he is being implicated on the basis of disclosure statement of the co-accused; that he is neither the partner nor has any concern with the factory in which spurious ghee was being allegedly prepared. It is further contended that petitioner is also sought to be implicated on the basis of bulity (Annexure P3), which does not bear his signature. Ld. counsel contends further that petitioner is ready to join the investigation and so, his petition for anticipatory bail be accepted.

4. (i) Strongly opposing the bail petition, it is submitted by ld. State counsel that the two accused Hunny Mittal and Bachan Lal arrested from the spot, suffered disclosure statement revealing the involvement of the petitioner Deepak to the effect that all three of them used to prepare spurious ghee of branded companies and that wrappers and tetra packs of famous companies namely, Amul, Nova and Sanchi etc were arranged by Hunny Mittal and petitioner-Deepak from Gujarat and that they used to purchase chemical flavor, scent, butter colour etc. from Delhi.

(ii) Ld. State counsel has further drawn attention towards the status report, as per which the IO of the case visited Gupta Trading Company, a shop in Delhi, wherein the duplicate ghee had been supplied by the accused vide a particular GSTIN number. One Jitender Aggarwal was joined in the investigation, who disclosed that shop was being run by his father, where they were doing the business of mobile phones. He also

disclosed their GST number and that no ghee had been purchased by them. Thus, GST number as mentioned in the bill was found to be forged. Apart from this, an official of New India Transport Company, Jind was joined, who provided copy of Aadhar of the petitioner, which was annexed with the bills. The Seizure memo regarding the bulthy details dated 19.06.2023 along with the Aadhar was prepared.

(iii) Ld. State counsel has further drawn attention towards the fact that the rent agreement (Annexure P2) relied by the petitioner is undated and that as per the statement of the landlady Smt. Raj Bala, two shops had been given on rent to Hunny Mittal in the presence of petitioner-Deepak. Besides bulthy No.GR No. A/NB 28774 dated 19.06.2023, amounting ₹47,200/- was collected from the office of transporter vide which petitioner-Deepak had sent 500 kg of spurious ghee.

(iv) Ld. State counsel contends that in view of all the above circumstances, petitioner is required to be interrogated to carry forward the further investigation. Attention is also drawn towards the fact that petitioner is also involved in another case bearing FIR No.208 dated 17.07.2021 registered at Police Station Civil Line, Jind under Sections 272, 273, 420, 467, 468, 472, 473, 475, 476 & 486 of the IPC and Section 51 & 63 of the Copy Right Act i.e., the crime of the similar nature. Prayer is made for rejecting the petition.

5. Having considering the submissions of both the sides, I find merit in the case of the respondent/State. Further investigation may not be possible without custodial interrogation of the petitioner, as his name

has specifically emerged to be involved in the crime along with the co-accused.

6. Consequently, this Court does not find the present case to be fit for grant of anticipatory bail.

Dismissed.

(DEEPAK GUPTA)
JUDGE

24.08.2023

Vivek

- | | |
|-------------------------------|--------|
| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |