

CRM-M-59353-2023

217(2) IN THE HIGH COURT OF PUNJAB AND HARYANA
CHANDIGARH

CRM-M-59353-2023 (O&M)

Date of Decision: 20.12.2023

ADITYA KUMAR JHA

...Petitioner

V/S

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Ashish Tewatia, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

HARPREET SINGH BRAR J. (Oral)

1. Through instant petition, the petitioner is seeking anticipatory bail in case FIR No. 459 dated 23.06.2023 registered under Section 7 of the Essential Commodities Act 1995 at Police Station Surajkund, Faridabad.
2. On 24.11.2023, following order was passed:

"This petition has been filed under Section 438 Cr.P.C. seeking anticipatory bail to the petitioner in a case bearing FIR No.459 dated 23.06.2023 under Section 7 of Essential Commodities Act, 1995 (in short 'the Act') registered at Police Station Surajkund, Faridabad.

Learned counsel for the petitioner inter alia contends that the petitioner is not named in the FIR and he is only a nominee of the Depot Holder as such, without there being any specific attribution, the offence qua the petitioner under Section 7 of the Act would not be made out. He further submits that the petitioner is neither the personal in-charge of day to day affairs of Depot nor he runs the Depot.

Notice of motion.

On the asking of the Court, Mr. Vikas Bhardwaj, AAG, Haryana puts in appearance and accepts notice on behalf of the respondent-State.

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833**, at the first instance, the petitioner is directed to appear before the Investigating Officer on or before 05.12.2023 and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating Officer and abide by the conditions as provided under Section 438 (2) Cr.P.C. If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.*

Adjourned to 20.12.2023.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court."

3. Learned State counsel on instructions from ASI Vijay Kumar, submits that in compliance of order dated 24.11.2023 passed by this Court, the petitioner has joined the investigation but not co-operated with the

Investigating Agency.

4. Keeping in view the fact that the petitioner has joined the investigation, the order dated 24.11.2023, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C.
5. The petition is accordingly allowed.

20.12.2023
Ajay Goswami

(HARPREET SINGH BRAR)
JUDGE

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