



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

383

CRM-M-16639-2024 (O&M)
Date of Decision:- 30.07.2024

ATIN BANSAL

....Petitioner(s)

Versus

STATE OF PUNJAB

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Kartikey Chopra, Advocate for
Mr. Abhinav Gupta, Advocate for the petitioner.

Mr. Japjot Singh, AAG Punjab.

SANJIV BERRY, J. (ORAL)

By way of present petition filed under Section 438 of the Code of Criminal Procedure, 1973, petitioner seeks anticipatory bail in case FIR (Annexure P-1) as under:

FIR No.	Dated	Sections	Police Station
213	16.11.2023	420 IPC; 7 of Essential Commodities Act,	City Kotkapura, Faridkot

2. Learned counsel for the petitioner has submitted that in compliance to the order dated 04.07.2024 passed by this Court, the petitioner has already joined the investigation and as such interim bail granted to the petitioner may be confirmed.
3. Learned State counsel, on instructions from ASI Daljit has



intimated that the petitioner has joined investigation and is no more required for any custodial investigation in this case nor he is required for further investigation.

4. Heard.

5. During the course of hearing on 04.07.2024, the following order was passed:-

“It is inter alia contended by learned counsel for the petitioner that the petitioner happens to be the proprietor of the firms in question and also of the commission agency to whom the Markfed had given the contract for purchase, and in the process the Markfed had to lift 84868 bags of paddy from the petitioner’s commission agency but lifted only 64363 leaving 20505 bags unlifted. A dispute arose as to transportation thereof and keeping in view the rainy season the petitioner had to shift these bags to his mill so as to avoid deterioration in rain. In the meanwhile, the instant FIR was got registered.

2. Learned counsel for the petitioner further contends that the aforesaid bags numbering 20505 have since been released and handed over to Markfed vide order Annexure P-5 in December, 2023 and no recovery is to be effected from the petitioner. He further contends that the petitioner is ready to join the investigation.

3. Per contra, learned State counsel referring to the reply submitted by the State submit that as per the allegations in the FIR the petitioner had shifted these 20505 bags of paddy unauthorisedly to the mill and as per Annexure P-5 these bags are now in possession of Markfed. The learned State counsel submits that the Investigating Officer of the case has not turned up.

4. List on 26.07.2024.

5. In the meanwhile, the petitioner is directed to join the investigation within seven days from today and in the event of his arrest, he is ordered to be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 438(2) Cr.P.C.

6. Investigating Officer of the case to remain present in Court on the next date of hearing.”

6. Keeping in view the above submissions made by learned State



counsel and the fact that the petitioner had joined the investigation consequent to the order dated 04.07.2024 passed by this Court, interim bail granted vide order dated 04.07.2024 is hereby confirmed, subject to conditions as envisaged under Section 438(2) Cr.P.C. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. The petition stands allowed.

(SANJIV BERRY)
JUDGE

30.07.2024
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No