

In the High Court for the States of Punjab and Haryana
At Chandigarh

(I) CRM-M-17769-2024 (O&M)

Gurjit Kaur @ Guddo ... Petitioner

Versus

State of Punjab ... Respondent

(II) CRM-M-35699-2024 (O&M)

Bholi ... Petitioner

Versus

State of Punjab ... Respondent

Date of Decision:-17.9.2024

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Gursimran Singh Bawa, Advocate,
for the petitioner in CRM-M-17769-2024.

Mr. Amandeep Sharma, Advocate,
for the petitioner in CRM-M-35699-2024.

Mr. Siddharth Attri, AAG, Punjab,
assisted by ASI Gurdev Singh.

FIR No.	Dated	Police Station	Section/s
11	14.1.2024	Bhindi Saidan, District Amritsar Rural	61 of Punjab Excise Act, 1914, wherein offence under Sections 353, 186, 225, 506, 201 of IPC were added later on

GURVINDER SINGH GILL, J. (Oral)

1. This order shall dispose of the aforesaid two petitions filed on behalf of petitioners Gurjit Kaur @ Guddo and Bholi seeking grant of anticipatory bail in respect of aforementioned FIR.



CRM-M-17769-2024 (O&M) &
CRM-M-35699-2024 (O&M)

(2)

2. At the time of issuance of notice of motion in CRM-M-17769-2024, the following order was passed on 10.4.2024:

“The petitioner seeks grant of anticipatory bail in respect of a case registered vide FIR No.24, dated 8.2.2024, at Police Station Jagadhri Sadar, District Yamuna Nagar, under Sections 420, 419, 467, 468, 471, 384, 389, 120-B of Indian Penal Code and Sections 3, 7 of Essential Commodities Act, 1955 read with Clause 5, 25, 28 of Fertilizer Control Order, 1985.

As per the case of prosecution, a secret information was received that the petitioner, who was owner of the plywood factory, was using fertilizer meant for agriculture purpose, whereas use of the same for industrial purpose is prohibited under Fertilizer Control Act. The information was further to the effect that on the given day a tractor-trolley was parked near the factor premises of the petitioner, which was loaded with 130 bags of urea fertilizer. Pursuant to receipt of said information, the police reached at the spot and the tractor-trolley was found parked at the nominated place, which was found to be loaded with 130 bags of urea fertilizer meant for agriculture use.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case and that, even if, all the allegations pertaining to recovery of tractor-trolley loaded with 130 bags of urea fertilizer meant for agriculture use are taken to be correct, still the petitioner cannot be attributed any conscious possession of the same inasmuch the trolley containing urea bags was not found within the factory premises of the petitioner, but was found parked near the premises. It has been submitted that the said tractor-trolley is not owned by the petitioner and that he is being involved on the basis of disclosure statement of the dealer and one Brijesh Kumar @ Rinku. It has been submitted that the petitioner otherwise has a clean record and has been carrying on his business strictly in accordance with the prescribed rules and law.

CRM-M-17769-2024 (O&M) &
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(3)

Notice of motion for 7.8.2024.

Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety bonds to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.”

3. Similar directions were issued in CRM-M-35699-2024 vide order dated 29.7.2024.
4. Learned State counsel, upon instructions from ASI Gurdev Singh, has informed that pursuant to interim directions, the petitioners have since joined investigation and they are not required for any custodial interrogation.
5. Having regard to the aforestated position, wherein the petitioners are stated to have joined investigation and are not required for any custodial interrogation, both the petitions are accepted and the interim directions issued by this Court vide order dated 10.4.2024 (in CRM-M-17769-2024) and order dated 29.7.2024 (in CRM-M-35699-2024) are hereby made absolute, subject to the condition that the petitioners shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438(2) Cr.P.C.
6. A copy of this order be placed on the file of connected case.

17.9.2024
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(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No