

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.26888 of 2023

Date of decision: 7th February, 2024

Espak

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Ankit Gupta, Advocate for
Mr. G.C. Shahpuri, Advocate for the petitioner.

Ms. Trishanjali Sharma, Dy. Advocate General, Haryana
for the respondent/State.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.220 dated 11.05.2023 under Sections 5, 6, 25, 28, 35 of the Fertilizer (Control) Order Act, 1985 and sections 3, 7, 10 of Essential Commodities Act, 1955 as well as Sections 409, 420 of the IPC registered at Police Station Yamuna Nagar Sadar, District Yamuna Nagar.

2. On the last date of hearing, i.e. 26.05.2023, while noticing the following submissions made by learned counsel for the petitioner, a Coordinate Bench of this Court had granted the concession of interim bail to the petitioner and asked him to join investigation.

*“Learned counsel for petitioner inter alia
submits that there is no prima facie evidence to*

connect the petitioner with the alleged recovery of fertilizer/urea and its subsequent use in the plywood factory.”

3. Learned counsel appearing on behalf of the petitioner submits that in compliance of the order dated 26.05.2023, the petitioner has joined investigation and cooperated with the investigating agency.

4. Learned State counsel, on instructions, does not dispute the factum of the petitioner having joined investigation and cooperated with the investigating agency. He, on further instructions submits that the petitioner is not required for further investigation much less for his custodial interrogation.

5. In the circumstances, the petition is allowed and the interim order dated 26.05.2023 is made absolute subject to the conditions laid down in Section 438(2) Cr.P.C. Needless to say, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the bail granted to him.

(MANJARI NEHRU KAUL)
JUDGE

February 7, 2024
rps

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