



CRM-M-49045-2024

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH
CRM-M-49045-2024
Date of decision: 30th September, 2024

Monu Chauhan

Versus

State of Haryana

...Petitioner

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Sunil Hooda, Advocate for the petitioner.
Ms. Nidhi Garg, AAG, Haryana.

MANISHA BATRA, J (ORAL):-

Prayer in this petition has been made by the petitioner for grant of anticipatory bail in case arising out of FIR No. 409 dated 30.08.2024 registered under Sections 10, 3, 7 of Essential Commodity Act, 1955 read with Clause 25, 28 and 35 of Fertilizer (Control) Order 1985 and Section 318(4), 336(3), 338, 340 of Bharatiya Nyaya Sanhita (BNS) 2023, at Police Station Sadar, Yamuna Nagar, District Yamunanagar.

2. As per the prosecution case, on 30.05.2024, a written complaint was filed by the complainant Ajay Kumar posted as Sub Divisional Agriculture Officer, Jagadhari, District Yamuna Nagar alleging therein that an information was received by his department that subsidized urea meant for agriculture was being sold under cover of technical grade urea and salt bags in the vicinity of village Dussani District Yamunanagar thereby embezzling Government Revenue and cheating the agriculture department.

On receipt of this complaint, a team consisting of the complainant, some



police officials and assistant plant protection officer was formed which inspected the premises of M/s Singh Fertilizer Company on the same day. 1100 empty bags of Technical Grade Urea Brand- GNFC were found kept in the factory premises, despite a clear cut instruction being issued that agricultural urea and technical grade urea could not be kept together. As the price of technical grade urea is at the rate of Rs. 2400/- per bag, whereas agriculture grade urea is only Rs. 264/- per bag as subsidy is given by the Government on the agriculture grade urea. The raiding team also found 500 empty bags of salt brand Special Shyam Salt being kept in the godown of the above mentioned company. It was also found that 876 bags, full of agriculture grade urea of RCF company were kept in the factory premises, though the firm was not having licence to sell the same. Therefore, it was apparent that urea was sold illegally and by way of black marketing and it was also used for making technical grade urea or for being sold as such. After registration of FIR, investigation proceedings have been initiated and are underway. Apprehending his arrest, the present petitioner who is proprietor of M/s Singh Fertilizer had moved an application for grant of pre-arrest bail before the Additional Sessions Judge, Yamuna Nagar at Jagadhari which was dismissed vide order dated 23.09.2024.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is a licence holder for producing 'agriculture grade urea'. The empty bags of salt and technical grade urea were kept in his premises for the purpose of preparing tirpal (tarpaulin) only and not for selling agriculture grade urea by disguising/misrepresenting the



same as technical grade urea. His custodial interrogation is not required. Therefore, it is urged that petition deserves to be allowed.

4. Learned State counsel who has advance notice of the petition submits that he is ready to argue the matter. It is stressed by him that there are serious and specific allegations against the petitioner. 1100 Empty bags of Technical Grade Urea had been found kept in his premises along with bags filled with agriculture grade urea for the purpose of selling agriculture grade urea by representing it as Technical Grade Urea and thereby not only cheating the users but also the agricultural department and for evasion of revenue/taxes. It is submitted that for conducting thorough investigation in the matter, custodial interrogation of the petitioner is must. No extraordinary or sparing circumstance has even otherwise been made out for the purpose of extending benefit of bail to the petitioner. Therefore, it is argued that the petition does not deserve to be allowed.

5. I have heard learned counsel for the petitioner as well as learned State counsel at considerable length and have gone through the record carefully.

6. The petitioner is alleged to have kept 1100 empty bags of technical grade urea and salt as well as 876 bags full of agriculture urea, in his factory godown. The plea taken by the petitioner that these bags were kept for preparing *tirpal* (tarpaulin), is not at all convincing. The act of the petitioner in storage/having possession of a huge quantity of empty bags of technical grade urea in the godown of the factory run by him as a tenant, is itself sufficient to draw an inference that he had been transferring



agricultural grade urea in those bags and was having financial gains by illegal means by selling the same by showing it as technical grade urea. It is common knowledge that technical grade urea is being used in ply board, industries and it is much costlier than agriculture grade urea. The custodial interrogation of the petitioner is certainly required for eliciting information as to the manner in which he was committing the subject crime and to unearth his *modus operandi*. It is well settled proposition of law that while deciding anticipatory bail application, the Court must be circumspect that it should not be granted as a matter of rule and has to be granted only when it is convinced that exceptional circumstances exist to resort to this extraordinary remedy which are not shown to be existing in the instant case. As such, finding no ground I am of the considered opinion that the petition does not deserve to be allowed. Accordingly, the same is dismissed.

7. It is, however, clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

30th September, 2024
Parveen Sharma

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| 1. Whether speaking/ reasoned | : | Yes / No |
| 2. Whether reportable | : | Yes / No |