

2024:PHHC:010531

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

101

CRM-M-61833-2023 (O & M)
Date of decision: 25.01.2024

AJAY KUMAR

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present:- Mr. Pankaj Garg, Advocate,
for the petitioner.

RAJBIR SEHRAWAT, J. (Oral)

1. The present petition has been filed under Section 438 Cr.P.C., seeking anticipatory/pre-arrest bail to the petitioner in case FIR No.97 dated 21.09.2018, registered under Sections 420, 272, 273 and 120-B IPC and Section 63 of the Copyright Act, at Police Station City-2, District Mansa.

2. It is submitted by counsel for the petitioner that the case against the petitioner is totally false and concocted. The petitioner is not involved in the crime as alleged against him. The earlier petition seeking anticipatory bail of the petitioner was dismissed as withdrawn on 04.12.2018, however, the police have not thought it appropriate to effect the arrest of the petitioner. This itself shows that the petitioner is not seriously required for investigation purposes by the Investigating Officer. Moreover, the allegations against the petitioner are only qua preparing the food product of substandard, but the same has not been reported to be harmful for consumption. There is no other case registered or pending against the petitioner. The petitioner shall join investigation as and when

called by the police. Therefore, the petitioner deserves to be protected against his arrest.

3. Notice of motion.
4. On the asking of this Court, Mr. Sandeep, Addl. A. G. Punjab accepts notice on behalf of the respondent-State.
5. Counsel for the State, being instructed by SI Kaur Singh, has submitted that the petitioner has indulged in nefarious activity of selling the spurious food products. However, it is not disputed by the counsel for the State that the police have not arrested the petitioner so far, despite the fact that his earlier petition for anticipatory bail was dismissed as withdrawn way back on 04.12.2018.
6. In view of the above, but without commenting anything on merits of the case, the present petition is allowed. In the event of arrest, the petitioner be released on bail, subject to his furnishing personal/surety bonds to the satisfaction of the Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.

25.01.2024
parveen kumar

(RAJBIR SEHRAWAT)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No