



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

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CRM-M-4279-2025

Date of decision: 27th January, 2025

Sanjeev Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Guatam Kaile, Advocate for the petitioner.

Mr. Apoorv Garg, Senior Deputy Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

Present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking grant of anticipatory bail to the petitioner in case FIR No. 658 dated 20.12.2024 registered under Sections 7 and 10 of Essential Commodities Act, 1955 at Police Station Jagadhri City, District Yamuna Nagar, Haryana.

2. As per the allegations, the aforementioned FIR was registered on the basis of complaint lodged by the Inspector, District Food and Civil Supplies & Consumer Affairs Controller, Yamuna Nagar, on the allegations that the shop of the petitioner, who is a ration depot holder had been inspected on 12.12.2024 and stock of ration given to him for public distribution was checked. Deficiency of 6883 kg. Bajra, 5561.6 kg wheat,



563 litre Mustard oil, 494 kg salt and 139.01 kg Sugar, was found in the stock. As the petitioner had violated the provisions of Essential Commodities Act and Public Distribution System Order, 2022, therefore, prayer was made for taking action in the matter and the aforementioned FIR was registered. Apprehending his arrest, the petitioner had moved an application for grant of pre-arrest bail before the learned Additional Sessions Judge, Yamuna Nagar, Jagadhri which was dismissed vide order dated 21.01.2025.

3. The present petition has been filed by the petitioner on the grounds and it is argued by his counsel that he has been falsely implicated in this case. He is having a valid licence for running a ration depot. Infact, it is the State authority which is responsible for shortage of material being supplied at fair price shops/ration depots through out the State. The ration to the depots is sent in packed form and same is either found less in weight or in number. It is submitted that the shortage of stock in his case has also been found only due to that reason and not due to any *malafide* on the part of the petitioner. It is further argued that the petitioner is ready to join the investigation. His custodial interrogation is not required. Neither any recovery is to be effected from him. As such, it is urged that he deserves to be extended benefit of pre-arrest bail.

4. Learned Senior Deputy Advocate General, Haryana who has advance notice of the petition, is ready to argue the matter, has submitted that there are serious allegations against the petitioner. Before the Court of learned Additional Sessions Judge, he had taken altogether different stand by



making prayer for grant of anticipatory bail. He is a ration depot holder and huge deficiency in the stock handed over to him has been found. His custodial interrogation is required to elicit the truth. Even otherwise, no extraordinary and exceptional circumstance has been made out in favour of the petitioner for extending benefit of bail to the him. Therefore, it is urged that the petition does not deserve to be allowed.

5. I have heard learned counsel for the parties at considerable length and have gone through the record carefully.

6. The petitioner who is a depot holder is required to distribute the stock of ration given to him to the public persons. As per the allegations, large quantity of stock which was handed over to him for this purpose was found to be deficient on conducting raid at his premises. For the purpose of effecting recovery of the deficient stock as well as for the purpose of eliciting information as to whom, the stock has been transferred, the custodial interrogation of the petitioner is required. It is well settled that custodial interrogation of a suspected person is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favourable order of anticipatory bail. Many useful information can be disinterred during custodial interrogation. Moreso, no exception or extra ordinary circumstance warranting exercise of powers for grant of pre-arrest bail is made out in this case. Keeping in view the nature of the subject offences and the role attributed to the petitioner and for the purpose of eliciting the truth, I am of the considered opinion that he does not deserve to be extended benefit of pre-arrest bail. Accordingly, the petition stands 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

27th January, 2025
Parveen Sharma

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