



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

CRM-M-6663-2025
DATE OF DECISION: 05.02.2025

MANNU

...PETITIONER

VERSUS

STATE OF PUNJAB

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL.

Present: Mr. Vikas Bali, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J

1. **Relief Sought**

This petition has been filed under Section 482 of BNSS for anticipatory bail to the petitioner in FIR No. 02 dated 09.01.2025 under Sections 221, 238, 305 of the BNS at P.S.Sarabha Nagar, District Police Commissionerate, District Ludhiana.

2. Prosecution story, set up in the present case as per the version in the FIR reads as under :-

'Today a complaint bearing PGD No. 155485/152522 dated 03.05.2023 from Dr. Tarun Bansal, Food Safety Officer, Ludhiana Mobile No. 99156-00159 for conducting an enquiry was received from the office respected of Commissioner of Police of Ludhiana was received through post and the detail is same as under: "The Commissioner of Police Ludhiana Sub: Request to file FIR against Anmol Thapar S/o Davinder Thapar R/o Disposal road, Gobind Colony, Agwar Khawaja Bajju, Jagraon, Distt Ludhiana 2



Abhishek Thapar S/o Davinder Kumar R/o Gobind Colony, Agwar Khawaja Bajju, Jagraon, Distt. Ludhiana 3 Manu S/o Bharat Bhushan H. No 1870/5, Qila Mohalla Ludhiana for tempering with seal and theft of the food articles seized under Food Safety and Standards Act 2006. Sir, With reference to above mentioned subject, it is requested that on dated 12/02/2022 acting on a information received from crime branch, a raid was conducted by Food Safety Team, Ludhiana under supervision and leadership of Dr Gurpreet Singh, District Health Officer O/o Civil Surgeon, Ludhiana alongwith Dr. Tarun Bansal, Food Safety Officer, Ludhiana-1 and Sh. Buta Singh ASI, Crime Branch 1, CP office Ludhiana on a residential building of Principal Jagjit Singh Grewal and HS P-2 Grewal situated at Gali No 3. Gurdwara wali Gali, Panchsheel Vihar, Ludhiana, where duplicate Desi Ghee with brand name Param Anand was being manufactured. As per label declaration on the Desi Ghee jars, this business was of firm Sharma Milk products, 57, 61, City complex Chauri Sarak, Near Divison No 3. Ludhiana having FSSAI Number 12114441000002. During inspection Anmol S/o Davinder Thapar Rio Disposal road, Gobind Colony, Agwar Khawaja Bajju, Jagraon, Distt Ludhiana 2 Abhishek Thapar S/o Davinder Kumar R/o Gobind Colony, Agwar Khawaja Bajju, Jagraon, Distt Ludhiana 3 Manu S/o Bharat Bhushan H. No 1870/5, Qila Mohalla Ludhiana were found present and involved in manufacturing of duplicate desi ghee. They declared that they are employee of above said firm named Sharma Milk products. A huge quantity of duplicate ghee and different adulterants for manufacturing duplicate ghee were found in the premises. Samples of Ghee and adulterants were taken for further analysis and the remaining stock including about 882 liters Desi Ghee,



about 628 Kgs Gemini Vanaspati (Adulterant), about 748 liters of Refined Soyabean Oil (Adulterant) and 6 liters of Artificial Flavoring Agent (Adulterant) were seized in the premises and kept in custody of above said accused (Copy of Seizure form attached as Annexure A). Besides this packaging material including 1050 cardboard cartons, 315 empty tins of 15 Kgs refined oil, about 5800 empty plastic jars of different sizes and 40 boxes of 5 kgs containing wrappers were also seized and kept in custody of above said accused (Copy of recovery form of packaging material attached as Annexure B). After that the premises was sealed on the spot by Food team Ludhiana and all the above mentioned accused were instructed not to temper with the seized stock and seal till further orders (Copy of seal orders of premises attached as Annexure C). Then on dated 28/03/2023, as per order of Designated Officer Cum DHO Ludhiana, the premises was again inspected by Food team Ludhiana comprising Dr. Tarun Bansal and Smt. Rashu Mahajan, Food Safety Officers, Ludhiana. On inspection it was found that the above said persons have left the premises and have tempered the seal of premises and stolen the whole seized stock. You are requested to look into the matter and file FIR against all three accused under IPC. Sd/-Dr Tarun Bansal Food Safety Officer Ludhiana. On the instructions of respected Commissioner of Police the enquiry of the complaint was conducted by Deputy Commissioner of Police Rural, Commissionerate Ludhiana who in his enquiry report has written, "Sir that the complaint given by Dr. Tarun Bansal Food Safety Officer against Anmol, Abhishek Thapar sons of Davinder Thapar R/o Disposal Road, Gobind Colony, Agwar Khawaja, Bajju, Jagraon District Ludhiana, Mannu S/o Bharat Bhushan R/o 1870/05 Killa Mohalla, Rural Ludhiana in which it is



alleged that on 12.02.2022 under the leadership of Dr. Gurpreet Singh District Health Officer, Civil Surgeon, Ludhiana, a team of Food Safety, Ludhiana a raid was conducted at Gali No.3, Gurdwara wali Gali Panchsheel Vihar, Ludhiana where the firm of the opposite party namely Sharma Milk Products were preparing duplicate Desi Ghee. From whom 882 Liter mark Param Anand Desi Ghyio, 628 Kilo Ginni Banaspati, 748 Refined Soyabean and other products were sealed. On 28.03.2023 food safety officer Ludhiana upon inspecting the spot found that the opposite party while breaking open seal of the sealed product have committed theft. Regarding this it was requested for registering a FIR against the above mentioned three persons. That the enquiry of the complaint was marked to ACP, West Ludhiana, who on 04.04.2024 in his report has stated that the complainant was called repeatedly but he did not joined the enquiry and this complaint was recommended to be filed and on 16.04.2024 this complaint was thus filed. That you have written to me for discussing the case. That in respect of the above complaint the case was discussed, and as per the complaint regarding the allegations legal opinion from DA would be obtained after which police station Sarabha Nagar Ludhiana would be directed for registering the case and for conducting further investigation. The report is thus submitted. By D.A. for Legal Opinion Sd/- Jaskaranjeet Singh Teja P.P.S Deputy Commissioner of Police, Rural Commissionerate Ludhiana. After which the complaint was sent to the office of DA Legal Ludhiana for taking his legal opinion who in his report has recommended for registration of the case and while giving the opinion has written, "The enquiry was marked to ACP(West), Ludhiana. But complainant did not join the enquiry proceedings and the complaint was recommended



to be filed by the enquiry officer. In view of aforementioned facts, in my opinion, the allegations mentioned in the complaint do disclose the commission of cognizable offence, as per the recent guidelines passed by Hon'ble Supreme Court of India in case titled Lalita Kumari V/s Government of UP (2014) 2 SCC 1, it has been directed that registration of FIR is mandatory u/s 154 if the information discloses commission of a cognizable offence. The guidelines passed by the Hon'ble Supreme Court of India Supra, in my opinion, prima facie the offences u/s 186, 201, 380 IPC are made out against the Proprietors of Sharma Milk Products, Anmol, Manu and Abhishek Thapar. Hence an FIR may be registered against Proprietors of Sharma Milk Products, Anmol, Manu and Abhishek Thapar at PS Sarabha Nagar, Ludhiana. If approved necessary orders may kindly be issued, please. Worthy Commissioner of Police, Ludhiana. Sd/-Neelu Sharma, Deputy District Attorney (Legal), Ludhiana after this the complaint and the enquiry report was sent to the office of commissioner of Police Ludhiana, The commissioner of Police Ludhiana while issuing the directions has written "SHO Sarabha Nagar, for N/Action." Sd/-Sh. Kuldeep Singh Chahal IPS, Commissioner of Police, Ludhiana. That today the complaint alongwith the enquiry report is received in the police station upon which the FIR is registered for the offences against the above mentioned persons and copy of the original complaint alongwith the enquiry report + document and original copy of the FIR is been handed over to ASI Ashvani Kumar 2607/Ludhiana, Chownki In-charge Raghunath Enclave, Ludhiana for further investigation. District Control Room is been intimated. Report No. 32 time 08:12 PM."



3. **Contentions**

On behalf of the petitioner

The learned counsel for the petitioner submits that the petitioner has no connection with M/s Sharma Milk Products in any capacity. The petitioner only visited the premises with the intent to inspect the quality of ghee for potential purchase. The petitioner operates a sweet shop (halwai) and is not involved in the alleged adulteration of ghee. It is further contended that the investigating agency has failed to implicate the owner of the building where the raid was conducted, nor has it made any effort to ascertain the identity of the owner of the premises where M/s Sharma Milk Products was operating. Following the raid, the building was sealed upon the discovery of adulterated ghee; however, it was subsequently found that the seal had been broken, and articles had been stolen.

Further contention is that the petitioner is innocent and has been falsely implicated in this case. The case against the petitioner is based solely on the presumption of the complainant that the petitioner and the co-accused may have stolen the alleged goods. According to the contents of the FIR, following the complainant's filing, the concerned official from the Food Safety team has failed to appear to record their evidence or assist in the investigation. The petitioner and the co-accused have no involvement in the alleged theft. Despite having no connection with the offense, the petitioner is willing to cooperate with the investigation.



Additionally, the petitioner contends that the police did not issue any prior notice under Section 41-A of the Cr.P.C., thus depriving the petitioner of an opportunity to join the investigation prior to the registration of the FIR. In light of these circumstances, the petitioner respectfully prays for the grant of anticipatory bail.

On behalf of the State

The learned State Counsel, appearing on advance notice and representing the respondent/State, prays for the dismissal of the present petition. It is submitted that the petitioner failed to disclose essential details regarding the sweet shop he operates, including the GST number, sales tax number, and other relevant information. Furthermore, it is noted that the seal placed on the premises was found broken, and articles were discovered to have been stolen, with the recovery of the stolen items still pending. The State Counsel contends that custodial interrogation of the petitioner is necessary to determine the factual position of the case and, therefore, requests the dismissal of the petition

4. Analysis & Conclusion

The incident occurred on 12.02.2022, and an FIR (First Information Report) was registered on 09.01.2025, which is a notable delay. Officials from the Food Safety Department conducted a raid and found adulterated ghee. The premises were sealed, but the seal was later found to be broken, and articles were reported stolen. The recovery of the stolen items has not yet occurred. The accused claimed that they went to the premises to check the quality of ghee, but this was



dismissed as implausible and it is unlikely that the accused, who run separate sweet shops, would visit the premises together for such a purpose. The accused were involved in the manufacture of adulterated ghee.

Additionally, the accused did not provide proper details of their businesses, such as the GST number or sales tax number, which the court found suspicious and indicative of a false narrative. The present petition lacks merit due to the insufficient and unconvincing explanation provided by the accused, along with the ongoing concerns surrounding the adulteration and theft.

Based on the aforementioned facts and circumstances, this Court is of the considered opinion that the custodial interrogation of the petitioner is imperative in order to fully explore all the aspects and complexities of the case, or to advance the investigation to its rightful and logical conclusion.

(SANDEEP MOUDGIL)
JUDGE

05.02.2025
sham

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