

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11121-2025
Reserved on: 11.08.2025
Pronounced on: 28.08.2025

Jitender

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Lajpat Rai Sharma, Advocate,
for the petitioner.

Mr. Amrik Narwal, DAG, Haryana.

Mr. Parveen Kaushik, Advocate
for respondent No. 2.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
302	31.10.2023	Narwana Sadar, District Jind	3/7 of Essential Commodities Act, 1955, Sections 420, 467, 468, 471, 120-B, 34, 201 IPC, Sections 13/20 of Insecticide Act, 1968 and Sections 3/4/5/6/7/8/9/13 of Seed Act, 1966 and 63 of Copy Right Act, 1957

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC read with 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. As per paragraph 18 of the bail petition, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“2. That the brief facts of the case are that a case FIR No.302 dated 31.10.2023 under sections 3, 7 of Essential Commodities Act, and Section 420, 34 of the Indian Penal Code, was registered at Police Station, Sadar Narwana on the complaint of Baljeet Singh, son of Shri Tekram, posted as Sub Divisional Officer, Agriculture, Narwana. The complainant in the complaint has inter-alia averred that he has been given the powers of fertilizer Inspector by the Haryana government and on dated 30.06.2023 Shri Narinder, son of Surajan, Village Farain Kalan, Tehsil Narwana, District Jind, mobile number 83071xxxx informed him that he has IFFCO DAP which is fake and on the above information, he took immediate action and arrived at the house of Narinder to find out that he is in possession of 50 Bags of 50 KG DAP for agricultural use and that one bag of DAP was lying open. The Farmer gave his complaint in writing and stated that he was

informed by Surinder son of Ishwar, Village Hatho that Jitender son of Palaram of his village is selling fertilizer made by IFFCO for agricultural purpose, on the basis of which farmer Narender had talks with Jitender R/o Village Hatho with regard to 60 bags of DAP. Jitender son of Palaram, Village Hatho and Sushil Son of Ishwar village, Sudkain Khurd, delivered 60 Bags of 50Kg DAP in pickup vehicle No. HR-56B-5312 at the house of Narinder and while unloading the fertilizer Narender got suspicious that the fertilizer is fake and on 29.10.2023, he contacted the police during night time and by that time 51 bags were unloaded at his house from the pickup and during police proceeding 9 bags of 50KG DAP PICKUP vehicle, Sushil and Jitender were taken into custody. When he asked about the bill then farmer Jitender informed that he has not been provided with any bill or paper work even after asking for it and to take action against the same. He called the police at the spot and then in their presence a sample of the fertilizer from the house of Narender was taken, one sample fertilizer from 3 and 50 Bags 50Kg closed and one open bag of DAP manufactured by (IFFCO) were handed over to ASI Balwan Singh. Thereafter, it was informed by nearby farmers that the same fertilizer has also arrived at Karamgarh and Hatho. Thereafter, he alongwith Rohtash s/o Zile Singh Village Karamgarh, Tehsil Narwana took action on the written complaint and 25 Bag- 50Kg DAP of similar nature were found and then it was informed by farmer Rohtash that he bought 33 bags of DAP from Jitender resident of Hatho and during that time Sushil also came along with him to deliver the fertilizer. From the abovementioned complaint it seems that this is the same fertilizer which was found in the house of Narender Village Farain Khurd. Proceeding on the abovementioned incident was initiated and a sample was taken from the fertilizer, which was taken in the presence of the Police and one sample of Form-J, 25BAG-50KG fertilizer was handed over to ASI Balwan, PS Sadar Narwana. Thereafter, he alongwith the police team reached at the house of farmer Surender S/o Ishwar and Raghubir S/o Mewa, Village Hatho, where 34 Bags of 50KG (IFFCO) DAP each were found and both farmers informed that they bought this fertilizer through mediator of Jitender s/o Palaram of Village Hatho. Both farmers had bought 60 Bags-50KG of DAP out of which 26 Bags DAP was used in seeding of wheat. One sample of remaining 34 Bags of 50KG IFFCO DAP was obtained from the house of Surender Village Hatho in police presence and one portion of sample Form-J of 34 BAGs of 50KG of DAP each was handed over to ASI Balwan, PS Sadar. Farmer Narender S/o Surjan, R/o Village Farain, informed in his complaint that Jitender obtains this fertilizer from Jagwant alias Jagga S/o Rajkumar Village Sudkain, Proprietor Shiv Beej Bhandar, Uchana. Thereafter we went along with the police team to the house of Shri Jagwant alias Jagga, Village Sudkain and there a shop named Shiv Beej Bhandar was found, where 104 bags of 50 KG each of DAP manufactured by (IPL) were found present. Documents and other papers were asked for with regard to the shop from the family members of Jagwant Singh, but they could not present any document. A sample was taken from the available fertilizer and sale of the fertilizer was prohibited during investigation by informing the family members. One sample and Form- J were handed over to ASI Balwan. Proceedings of complaint given by Farmer Narender S/o Surjan Village Farain, Rohtash S/o Zile Singh, Village Karamgarh, Surender S/o Ishwar and Raghubir S/o Mewa Singh, Village Hatho were also handed over to ASI Balwan, PS Sadar Narwana and from the abovementioned issue it seems that sold DAP is fake. DAP for agricultural purposes is only granted by the Government and this grant is for farmers only. On the abovementioned subject it is evident that proceedings must be initiated and further request for taking legal action against Jitender S/o Palaram, resident of Village Hatho, Sushil S/o Ishwar Village Sudkain Khurd, Jagwant alias Jagga S/o Ra Kumar Village Sudkain Khurd was made. (Annexure P-1)."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The petitioner's counsel submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

6. The State's counsel opposes bail and refers to the status report.

7. It would be appropriate to refer to the following portions of the status report, which reads as follows:

"17. That the complicity of the petitioner-accused is concerned, it is submitted that during the course of investigation of the case it has been found/surfaced that on 01.11.2023, the CCTV footage of Camera installed at village Sudkain Khurd near the house of the accused namely Jagwant @ Jagga was seen and found that fertilizer is being unloaded from the vehicle No. HR67C-4216 and thereafter the same is being loaded in pick-up No. HR-56A-8287, which was taken in police possession through separate recovery memo. He could not produce any licence or permit to sell the seed and medicines at his village Saudkain Khurd. The DAP bags, the bags of seeds and other pesticide were taken in possession by the SDO with the help of Police. On 21.11.2023, the accused Jitender and Sushil @ Sheela were arrested and they suffered disclosure statement that the accused Jitender obtained duplicate DAP fertilizer bags from the accused Jagwant @ Jagga and sold the same to the farmers. During investigation of the case, on 18.12.2023 the accused Jagwant @ Jagga made disclosure statement to the effect that the duplicate fertilizer was supplied by the petitioner-accused Jitender @ Ankit twice i.e. two times in the shape of 200 bags each time. He had supplied this for a sum of Rs.2 lakhs. Even the driver of the vehicle had disclosed that the duplicate fertilizer was got loaded by petitioner-accused Jitender @ Ankit. In the present case the accused Sushil, who was granted bail, became absent from trial of the case and now his regular bail has been cancelled and arrest warrant for 03.05.2025 have been issued whereas, accused Jagwant @ Jagga has only been extended the concession of interim bail by this Hon'ble High Court. From the petitioner the money earned by him by sale of duplicate DAP fertilizer is to be recovered. It is also to be known through him that if there was any other person involved with him and the machinery used for manufacturing of duplicate fertilizer is also to be recovered. For this, custodial interrogation of the petitioner-accused is required. The nature and gravity of the offence are very serious. Due to the supply of duplicate fertilizers, the crops of the farmers are sometimes completely destroyed. There are instances when such farmers are compelled to commit suicide."

REASONING:

8. Present FIR was registered in the year 2023 and till date, there was no protection

from the arrest of the petitioner, police made no efforts to arrest him, if they want to arrest, it was not impossible, and it appears that police did not want to arrest him.

9. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage, but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

10. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner's complying with the following terms.

14. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

15. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence,

influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

16. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

17. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

18. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

19. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

20. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Appellant-Accused can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

21. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

28.08.2025
Jyoti-II

Whether speaking/reasoned:	Yes
Whether reportable:	No.