

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-34791-2024
Reserved on: 11.08.2025
Pronounced on: 21.08.2025

Jagwant @ Jagga ...Petitioner

Versus

State of Haryana and another ...Respondents

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Rahul Bhargava, Advocate
for the petitioner.

Mr. Amrik Narwal, D.A.G., 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 and 212 IPC and 63 of Copy Right Act, 1957.

1. The petitioner incarcerated in the FIR captioned above had come up before this Court third time under Section 439 of CrPC, seeking regular bail.
2. Vide order dated 19.12.2024, the petitioner was granted interim bail by a co-ordinate Bench of this Court, which is continuing till date.
3. As per paragraph 12 of the bail petition, the petitioner has no criminal antecedents.
4. 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)."

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

6. 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.

7. Counsel for respondent No.2 strongly opposes the bail.

8. The State's counsel opposes bail and refers to the reply.

9. It would be appropriate to refer to the following portions of the reply, which reads as follows:

"16. 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 petitioner-accused 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. The petitioner 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 petitioner-accused and sold the same to the farmers. During investigation of the case, it has been surfaced that the licence produced by the petitioner-accused for his shop at Uchana only whereas he has sold the duplicate fertilizer in the village Sudkain Khurd and also where he could not sell because he was not having any license to sell fertilizer in village Sudkain Khurd. The duplicate fertilizer cannot be sold even if he was having a licence which now has been cancelled by the department. The petitioner-accused and co-accused were working in the form of racket and origin of the duplicate fertilizer is to be traced out. The farmers have been induced to purchase duplicate DAP fertilizer by saying the same as original fertilizer."

REASONING:

10. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction

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sentencing. As per paragraph 10 of the bail petition, the petitioner was arrested on 18.12.2023 and he was released pursuant to order dated 19.12.2024 and the petitioner's total custody in this FIR is around 01 year and 08 months.

11. Petitioner was granted interim bail and in the interregnum, there is no allegation against the petitioner of non-appearance before the trial Court, threatening of witnesses etc.

12. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability to discontinue the interim protection.

13. Given above, petition is allowed. Interim order dated 19.12.2024 is made absolute. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

21.08.2025
Jyoti-II

Whether speaking/reasoned: Yes
Whether reportable: No.