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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-37735-2025
Date of Decision: 18.07.2025

Mosim...Petitioner

Versus

State of Haryana...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. G.S. Ghuman, Advocate for the petitioner.

Ms. Harpreet Kaur, A.A.G., Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
123	27.04.2025	Sector-17, District HUDA Jagadhari Yamuna Nagar	5,7,25,28 of The Fertilizer Control Order 1985, Clause 3 of The Fertilizer Movement Control Order, 1973 r/w Section 3, 7, 10 of The Essential Commodities Act, 1955 and 61(2), 318(4), 336(3), 338, 340(2) of BNS.

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.
2. In paragraph 15 of the bail petition, the petitioner declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the translated copy of FIR (Annexure P-1) which reads as follows:

“TO, Station House Officer, Police Station Sector 17, HUDA, Jagadhri, District Yamunanagar. Sir, It is submitted that today i.e. on 26.04.2025, I Sub Inspector along with A.SI Sanjeev Kumar No. 40, H.C Ranvir Singh No. 600, in official vehicle driven by HKRNL Nishan Singh was present at Aggarsen Chowk for patrolling that Inspector Sukhwinder Singh No. 251/ K.R. Chief Minister Flying Squad, Unit Panchkula gave information that he along with staff has stopped Truck No. UP-15-DT-5845 containing agriculture Urea fertilizer before Aggarsen Chowk on Old Saharanpur Road opposite



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M.P Birla Cement Godown at about 2.20 P.M and I should reach at the spot for proceedings. On getting this information, I the S.I along with above said police officials reached the spot in official vehicle, where Inspector Sukhwinder Singh No. 251/K.R Chief Minister Flying Squad, Unit Panchkula along with S.I Rajbir Singh No. 102/A, SI Hitender Kumar No. 77/A, ASJ Janak Raj No. 1159/Yamunanagar, A.SI Ravinder Singh No. 1013 Panchkula, HC Baljinder Singh No. 578 Kurukshetra met present. The name and address of truck driver was inquired, whereupon he disclosed his name as Farid son of Abdul Salam resident of village Jei Police Station Bhagwanpur District Meerut, U.P and the youth sitting beside him told his name as Rahish son of Zahid resident of Kasba Harara Tehsil Sardhna Police Station Sarurpur District Meerut. The driver told that 600 bags of urea fertilizer are loaded in this truck, which he has brought from Govt. Godown, Near Subji Mandi, behind T.P Nagar Meerut and ahead of them, the owner of this fertilizer was driving in an Innova vehicle and they were following him and you have stopped our above said truck. After stopping the above said vehicle, on getting the information from Inspector Sukhwinder Singh, Dr. Ajay Kumar S.D.A Agriculture Department, Sh. Harish Pandey Agriculture Department, Yamunanagar reached the spot. The officers of the Agriculture Department got opened the tarpaulin of the above said truck No. UP-15-DT-5845 and checked and after checking, they submitted their report separately and informed that said fertilizer is of KRIBACO Company and said urea fertilizer is given to farmers on subsidy only for agriculture use and therefore, these bills have been issued fictitiously. Even then, after checking those bills in his office, he will give his supplementary report later after verifying about those bills. From the report given by officers of agriculture department, Ashiq resident of Chandpur, Mohsin resident of Todarpur and owner of company issuing bills and owner and driver of car name and address not known, in connivance with each other have committed offence of sending the supply of 600 bags of agriculture fertilizer in above said truck to Plywood factory manufacturing glue by hatching a criminal conspiracy. Above said firm has been found to have committed an offence under sections 5, 7, 25, 28 of Fertilizer Control Order, 1985 and section (3) of Fertilizer Movement Control Order, 1973, sections 3.. 7, 10 of Essential Commodities Act, 1955 and sections 318(4), 61(2), Bhartiya NyayaSanhita, 2023. As there is heavy high tension wire at the place of occurrence, above said loaded truck was taken into police possession and along with officials, officers of agriculture department taken to Police Line Yamunanagar, where Dr. Ajay Kumar SDAO, DI. Harish Pandey, Agriculture Department, Yamunanagar removed the tarpaulin of the above said truck in Police Lines Yamunanagar and counted the urea bags and took 9 samples from all the bags with them. I the S.I prepared videography of these proceedings on E-sakshay app. Therefore, the writing is being sent to Police Station through H.C Ranvir Singh No. 600 for registration of case FIR. After registering the case FIR, number thereof be intimated. 1, S.I along with accompanying

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officials become busy in conducting investigation at the spot. Police Station has been informed telephonically for sending the other investigating officer at the spot. At: PL Yamunanagar. Sd/- IMTIAZ ALI."

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 their family. He further seeks bail on the grounds of parity with co-accused who has been granted bail by this Court.
5. The petitioner’s counsel submits that recovery has already been effected and 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 on instructions.
7. Pre-trial incarceration should not be a replica of post-conviction sentencing. 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.
8. 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.
9. 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.
10. 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	

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

11. This order is subject to the petitioner’s complying with the following terms.
12. 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.
13. 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.
14. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.
15. *A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner 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.*
16. **Petition allowed in terms mentioned above.** All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

18.07.2025
Jyoti Sharma

Whether speaking/reasoned: Yes
Whether reportable: No.