

CRM-M-37725-2025
Date of Decision: 17.07.2025

...Petitioner

Versus

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

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

Ms. Trishanjali, D.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 Movement Control Order 1973 and Clause 3 read with Section 7, 10 of 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], (erstwhile 438 CrPC) seeking anticipatory bail.
2. In paragraph 23 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 Officer, Police Station Sector 17 Huda Jagadhari District Yamuna Nagar. It is requested that today on 26.04.2025 I, Sub-Inspector along with Sub-Inspector Sanjeev Kumar No. 40, Head Constable Ranveer Singh No. 600 in a government vehicle whose driver is HKRNL Nishan Singh were on patrolling at Agrasen Chowk, Jagadhari. That at the same time Inspector Sukhwinder Singh, No. 251/KR, Chief Minister Flying Squad, Unit Panchkula informed that I and my staff have stopped truck No. UP-15DT-5845 carrying agricultural urea fertilizer before Agrasen Chowk,



Jagadhari, in front of MP Birla Cement Godown on Old Saharanpur Road at about 2.20 PM. You should reach the spot for action. On which information I, Sub-Inspector along with the above mentioned police personnel in government vehicle reached the spot where Inspector Sukhwinder Singh, No. 251/KR. Chief Minister's Flying Squad Unit Panchkula along with Sub Inspector Rajbir Singh No. 102/A, Sub Inspector Hitendra Kumar No. 77/A, ASI Janak Raj No. 1159/ Yamunanagar, ASI Ravinder Singh No. 1013/Panchkula, HC Baljinder Singh No. 578/ Kurukshetra were found present. When the name and address from above truck driver was asked, he told his name as Farid son of Abdul Salam resident of village Jai, Police Station Bhagwanpur District Meerut, UP and a youth sitting beside him told his name as Rais son of Zahid resident of town Harra, Tehsil Sardhana, Police Station Sarrurpur, District Meerut, UP. The driver told that 600 bags of urea fertilizer are loaded in this truck, which is in TP. I have brought it from the vegetable market near the government godown behind the city of Meerut. An Innova car carrying this fertilizer was driving ahead of us. We kept following him and you stopped our truck. After stopping the above vehicle, after getting prior information from the above mentioned Inspector Sukhwinder Singh, Dr. Ajay Kumar S.D.A.O. of Agriculture Department, Shri Harish Pandey from Agriculture Department, Yamuna Nagar reached the spot. The above mentioned truck was checked by the Agriculture Department officials by opening the tarpaulin of truck no. UP-15DT-5845. After checking, they presented their separate report and told that this fertilizer belongs to KRIBHCO Company. This urea fertilizer is given to farmers on subsidy only for agricultural use. It cannot be taken from one state to another. The 3 bills presented by the driver were also checked by Dr. Ajay Kumar S.D.A.O. After checking, the Agriculture Department said that this agricultural urea fertilizer cannot be supplied on these bills. Therefore, these bills have been issued fake. Still, I will give my supplementary report separately after verifying these bills from my office. As per the report given by the officials of the Agriculture Department, Aashiq resident Chandpur, Mosin resident Todarpur or the owner of the bill issuing company or the car driver, name and address unknown, in collusion, have committed the crime of supplying 600 sacks of agricultural fertilizer in the above truck illegally, by conspiring with each other and hatching a criminal conspiracy, and sending it to the plywood factory for



making glue. The said firm is found to have committed the offences under Sections 5,7,25,28 of the Fertilizer Control Order, 1985 and the Fertilizer Movement Control Order, 1973 (3) and Sections 3,7,10 of the Essential Commodities Act 1955 and Sections 318 (4), 61(2) 2023 of the Indian Penal Code. Due to the presence of heavy high tension wire at the scene of incident, the above loaded truck was taken into police custody and taken to Police Line Yamuna Nagar along with the staff and officers of the Agriculture Department for taking samples, where Dr. Ajay Kumar SDAO, DR. Harish Pandey of Agriculture Department Yamuna Nagar removed the tarpaulin of the above truck at Police Line Yamunanagar and counted the sacks of urea fertilizer 9 samples were taken from all the sacks. This action was videographed by the Sub Inspector on e-evidence. On which a written complaint is being written and sent to the police station for registration of the case under the head of Head Constable Ranveer Singh No. 600.”

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.

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.

REASONING:

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 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. 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.

14. 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.

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

16. 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.

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

(ANOOP CHITKARA)
JUDGE

17.07.2025

Jyoti-II

Whether speaking/reasoned: Yes

Whether reportable: No.