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**(215) IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-38797-2025 (O & M)

Date of Decision: 25.09.2025

Narinder Kumar

... Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Prateek Rathee, Advocate,
with Mr. Asutosh Singh, Advocate,
and Mr. Shwas Bajaj, Advocate, for the petitioner.

Mr. T.P. Singh, Sr. DAG, Haryana.

JASJIT SINGH BEDI, J.

The prayer in this petition under Section 483 of BNSS, 2023 is for the grant of regular bail to the petitioner in case bearing FIR No.308 dated 21.06.2018 under Sections 177, 409, 465, 467, 468, 471 and 120-B IPC and Section 13 of the PC Act, 1988 registered at Police Station Sector 5, Panchkula (P-3).

2. The brief facts of the present case are that a tender was floated by the General Manager, HAFED, Taraori, Karnal for purchase of Organic Manure. In the said tender process, three companies, namely, M.D. Biocoals Pvt. Ltd., Astha Organics and Sheel Biotech Limited, Delhi participated. In the tender, only licensed manufacturing companies could participate.

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However, Ashtha Organics and Sheel Biotech Company, Delhi were not the manufacturing companies. The said companies used to purchase material from the manufacturing company M.D. Biocoals Pvt. Ltd. Therefore, the General Manager HAFED, Taraori and the Tender Committee ought to have cancelled the tender and should have issued a fresh tender. However, the M.D. Biocoals Pvt. Ltd. obtained the tender for supply of organic manure in conspiracy with Ashtha Organics owned by his brother Sunny Sachdeva and also in conspiracy with General Manager HAFED, Taraori and the Scheme Incharge of the Agricultural Department, namely, Jagdeep Singh Brar. There was also conspiracy between the Tender Committee, the Screening Committee and the M.D. Biocoals Pvt. The company M.D. Biocoals Pvt. Ltd. supplied the material to the Districts concerned directly after printing the outward challan of HAFED Taraori on its own letter head. In place of specifying the product/material on the outward challan, only the brand name i.e. "Inderdhanush" and ID were printed. Whether the product/material is Organic Manure or City Compost was not printed. As per the outward challan of HAFED Taraori, the first supply by the M.D. Biocoals Pvt. Ltd. is dated 04.07.2014 whereas the bill by the M.D. Biocoals Pvt. Ltd. to HAFED was issued on 07.07.2014. The organic manure was to be supplied to the Districts concerned after receipt of the same by the HAFED whereas the material was already supplied as per the outward challan though the bill of the same was issued later on showing a conspiracy between the M.D. Biocoals Pvt. Ltd., officers of HAFED and the officers of the Agricultural Department.

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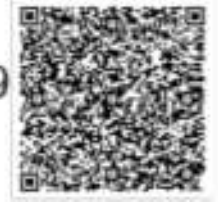
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Upon investigation, it was found that in the year 2014-2015, the Agriculture Department had purchased organic fertilizer through HAFED. The order was placed for purchase of organic manure from companies and payment was disbursed for organic fertilizer supplied in the form of organic manure. From the J-form of the samples of organic manure provided by complainant and their sample test reports, it was found that the organic fertilizer was not organic manure, but city compost. Thus, the Agriculture Department and HAFED officials had violated Fertilizer Control 2025 order, 1985, purchased inferior quality fertilizer (city compost) and disbursed payment for superior quality organic manure fertilizer to the supplier firm, causing financial loss to the government.

Similarly, in the year 2015-2016, the Agriculture Department, through HAFED head office Panchkula and HLRDC head office Panchkula, had purchased organic manure. The sample codes were provided by the complainant in this regard. On basis of the sample test reports, it was found that the samples failed as organic manure as per FCO guideline according to lab test report prepared by Dr. Shahina. However, as per the test report of Dr.A.K.Shukla (co-accused), the samples were passed as organic manure as per FCO guideline.

As per records collected by the investigating agency, the petitioner who was a Senior Accounts Officer, HAFED was a member of the tender allotment committee, which in collusion with MD Biocoals Pvt.Ltd. and others had accepted the tender of the said company on basis of fake documents,

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thus, causing wrongful gain of Rs.2.89 crores to the said company which instead of providing organic manure, provided inferior quality manure causing loss worth crores of rupees to the State exchequer.

3. The learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case. There is inordinate delay of 08 years in the registration of the FIR. The petitioner was arrested on 28.06.2025 without prior sanction under Section 17(A) of the PC Act. As per the enquiry report dated 19.07.2017 and technical report dated 14.07.2020 there is no discrepancy in the tender allocation process. Co-accused, namely, Anil Ahlwawat, Jagdeep Singh Brar, Anil Kumar Shukla, J.S. Kadian, Rajesh Sachdeva and Rajbir Singh have either been granted the concession of anticipatory bail or regular bail. As the petitioner is in custody since 28.06.2025 but none of the 50 prosecution witnesses has been examined so far, the Trial of the present case is not likely to be concluded anytime soon and therefore, he is entitled to the concession of bail.

4. The learned counsel for the State, on the other hand, contends that by providing inferior quality of manure, loss worth crores of rupees has been caused to the State Exchequer. As the offence is *prima facie* established, the petitioner is not entitled to the concession of bail. He, however, concedes that the petitioner is in custody since 28.06.2025 but none of the 50 prosecution witnesses has been examined so far and that some of the co-accused have been granted the concession of either anticipatory bail or regular bail.

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5. I have heard the learned counsel for the parties.

6. The veracity of the prosecution case against the petitioner and his co-accused shall be adjudicated upon during the course of the Trial. Admittedly, the petitioner is in custody since 28.06.2025 but none of the 50 prosecution witnesses has been examined so far. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In this situation, the further incarceration of the petitioner is not required, moreso, when some of the co-accused have either been granted the concession of anticipatory bail or regular bail.

7. Thus, without commenting on the merits of the case, the present petition is allowed and the petitioner-Narinder Kumar is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of learned CJM/Duty Magistrate, concerned.

8. In addition, the petitioner (or anyone on his behalf) shall prepare an FDR in the sum of Rs.1,00,000/- and deposit the same with the Trial Court. The same would be liable to be forfeited as per law in case of the absence of the petitioner from trial without sufficient cause.

9. The petition stands disposed of.

10. The pending application(s), if any, shall stand disposed of accordingly.

(JASJIT SINGH BEDI)
JUDGE

September 25, 2025

sukhpreet

Whether speaking/reasoned:- Yes/No

Whether reportable:-

Yes/No