



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M No.45638 of 2025 (O&M)

Reserved on : 23.09.2025

Pronounced on: 25.09.2025

Jakir @ Billa

.....Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR.JUSTICE SURYA PARTAP SINGH

Present: Mr. Rohit Sharma, Advocate for the petitioner.

Mr. Parveen Kumar Aggarwal, Addl. A.G., Haryana.

SURYA PARTAP SINGH, J. (Oral):

For the commission of offence punishable under Clauses 5, 7, 25, 28 and 35 of the Fertilizer Control Order 1985, read with Clauses 3, 7, and 10 of the Essential Commodities Act 1955 and Sections 318(4) and 61(2) of BNS the FIR No. 127 dated 05.07.2025, has been lodged in Police Station Buria, District Yamuna Nagar. The petitioner is apprehending his arrest in the above mentioned case, and therefore, he has invoked the jurisdiction of this Court vested by virtue of Section 482 of BNSS.

2. In nut-shell the facts emerging from record are that the above mentioned FIR came into being in the backdrop of a tip-off received by police with regard to illegal stocking of urea fertilizers in the warehouses situated in village Bibipur and Kanalasi. According to prosecution, on receipt of above mentioned information, a team was constituted to raid the above mentioned godown and when raid was conducted it was found that in the godown 450



bags of urea fertilizer had been stored. According to prosecution, the proceedings with regard to search recovery and seizure of above mentioned fertilizers were videographed and after registration of FIR investigation had been taken up.

3. It has been alleged by the prosecution that Sub Divisional Agriculture Officer was joined at the time of raid, who had reported that the above mentioned urea was stored without any license and that the same was being used for non-agriculture purpose especially for ply wood industry. According to prosecution, the above said utilisation of fertilizer meant for agriculture purpose in industries amounts to violation of Fertilizer Control Order 1985 and Essential Commodities Act, 1955 and Fertilizer (Movement Control) Order 1973.

4. It is the case of the prosecution that the during the course of investigation on the basis of secret information, the accused Malak Singh was arrested, on 06.07.2025, and that on interrogation it was disclosed by the above named accused that driver of truck bearing No.PB-11CZ-5937, owned by Gaganjeet Singh, had transported the same. According to police when inquiries were made from the driver, it was told by the driver that he had loaded the above mentioned fertilizer from Patiala Railway Station on the instructions of owner of the truck.

5. Heard.

6. It has been argued by learned counsel for the petitioner that petitioner is innocent having no nexus, whatsoever, with the commission of crime. According to learned counsel for the petitioner, the petitioner has been



falsely roped up in the present case without any legally admissible evidence. As per learned counsel for the petitioner, the petitioner is the owner of godown from where alleged recovery has been effected and that he had let out the above mentioned godown to Bunty. In addition to above, it has also been argued by learned counsel for the petitioner that the petitioner has nothing to do with the ownership or storage of recovered material. According to learned counsel for the petitioner the only link of petitioner with the fertilizer is that the petitioner is owner of godown where it stocked.

7. Per contra, learned State counsel has argued that there is a direct nexus between the petitioner and the commission of offence and that the petitioner was very well aware of the fact that the fertilizer being transported through truck of co-accused was without any permit or licence, and therefore, its transportation and storage was illegal.

8. The record has been perused carefully.

9. A perusal of record shows that in the present case, for the decision of present bail petition, following are the factors which are relevant for arriving at any conclusion: -

- 1) that nothing is left to be recovery from the possession of petitioner;
- 2) that his custodial interrogation is not likely to serve any purpose;
- 3) that petitioner had let godown to co-accused Bunty and was not aware of the fact that fertilizer was kept in his godown, thus, petitioner has no direct nexus with the commission of crime;



- 4) that the petitioner has no criminal history;
- 5) that name of petitioner does not figure in the FIR;
- 6) that there is nothing on record to show that if released on bail, the petitioner is not likely to tamper with the evidence.

10. In view of the above mentioned discussion it is hereby held that the present petition deserves to be allowed. Hence, the same is hereby accepted, and the petitioner is accorded the benefit of anticipatory bail. It is hereby directed that in the event of his arrest, the petitioner shall be released on bail on furnishing bonds to the satisfaction of Arresting Officer. The petitioner will join the investigation as and when called by the Investigating Officer. He shall also abide by the conditions as specified under Section 482(2) of the Bharatiya Nagrik Surakhsa Sanhita, 2023.

(SURYA PARTAP SINGH)
JUDGE

Pronounced on 25.09.2025

Manoj Bhutani

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No