



CRM-M-2293-2025 (O&M) 1

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

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CRM-M-2293-2025 (O&M)
Date of decision: 21.01.2026

M/s Bayer Crop Science Ltd. and others

....Petitioners

Versus

State of Punjab through Insecticide Inspector

...Respondent

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present : Mr. Nitin Thatai, Advocate, for the petitioner

Mr. Manipal Singh Atwal, DAG, Punjab.

AMAN CHAUDHARY, J. (ORAL)

1. Prayer made in the present petition is for quashing of complaint No.58 dated 11.11.2024 under Sections 3(k)(i), 17, 18, 33 of the Insecticides Rules, 1971 and Rule 10 (4) of the Insecticides Rules, 1971 punishable under Section 29 of the Act, 1968 and institution of prosecution under Rule 27(5) of the Insecticides Rules, 1971, Annexure P-5 as well as summoning order dated 11.11.2024, Annexure P-6 and consequential proceedings arising therefrom.

2. Learned counsel submits that the samples, which were found to be misbranded, were drawn from a herbicide manufactured by one-M/s Saraswati Agro Chemicals (India) Private Limited, Jammu and not petitioner No. 1, which is in fact the Marketing Company and Nos. 2 and 3 its employees. As such, in **M/s Mahindra Shubhlabh Services Limited and another vs. State of Punjab**, CRM-M-20730-2022, decided on 08.02.2023, against which no SLP was filed, it was held that the Marketing Company cannot be held vicariously liable and penalised for misbranding, since they were not involved in manufacturing of the



product at any stage, relevant paras read thus:-

“Further, in the present case, the sample was drawn from the original sealed package of the concerned insecticide as is evident from seizure memo comprised of Forms XX and XXI which are part of the record of the learned trial Court. There is nothing on record to show that the said sealed package/container was not properly stored by the licensed dealer or that at the time of taking of sample, the container of the insecticide was not found to be properly sealed or the seal was found to be tampered with by the Insecticide Inspector. In view of the fact that the sample was taken from a properly sealed container/package, the liability arising out of the misbranding cannot be that of the marketing agency or its employees, in light of the provisions of Section 30(3) of the Act. In this context, reliance can be placed on judgment of Hon'ble Supreme Court in M/s Kisan Beej Bhandar, Abohar v. Chief Agricultural Officer, Ferozepur and another (1990) SCC (Criminal) 623 wherein, it was held as under : -

“4. The High Court took the view that by enacting sub-section (1) of Section 30 of the Act, Parliament had taken out the element of mens rea from consideration and, therefore, knowledge was not at all material. Appellant's counsel has argued that protection of sub-section (3) is available not only to prosecutions but also to every contravention of the Act and cancellation of licence for contravention of the Act and cancellation of licence for contravention of the Act is also a matter covered by sub-section (3). We are inclined to accept the submission and take the view that whether it is prosecution or contravention leading to cancellation, sub-section (3) applies. In that view of the matter, on the facts found that it was a full tin in a sealed condition, the liability arising out of misbranding was not of the appellant. Unless he had any other source of information about misbranding – and it has not been established – the appellant is entitled to the protection of (sic) appellant's contention that it was a sealed tin intact has been found, the burden that lay on him under the provisions of subsection (3) had been satisfactorily discharged, even in the matter of considering the question of cancellation of licence and, therefore, his licence should not have been cancelled. We allow the appeal, reverse the order of the High Court and the authorities and restore the licence. The appeal is disposed of accordingly. No costs.”

Even Coordinate Bench of this Court in M/s Rallis India Limited (supra) has held that the petitioners i.e. marketing agency/licensed dealer cannot be held vicariously liable and penalised for misbranding of a product where they were not involved in the manufacturing process at all merely for having

traded in the same.
In view of above, this Court finds that initiation and continuation of complaint (Annexure P-1) and the consequent proceedings against the petitioners are not legally justified and sustainable and the delay in filing of the complaint has resulted in misuse of the process of law. Accordingly, the present petition is allowed and complaint (Annexure P-1), order dated 29.4.2019 (Annexure P-9), summoning order dated 29.4.2019 (Annexure P-2) and the subsequent proceedings taken in pursuance thereof are quashed qua the petitioners only.”

3. The petitioners are the Marketing Company and its employees, who are not involved in the manufacturing process, yet have been arraigned in the complaint as accused Nos.3, 4 and 5, a fact amongst others that remained un rebutted by the learned State counsel, who despite best efforts, could not draw out any distinctive aspects in the aforementioned judgment or cite any contrary law.

4. As a consequence to the afore, the present petition is hereby allowed and complaint No. 58 dated 11.11.2024 under Sections 3(k)(i), 17, 18, 33 of the Insecticides Rules, 1971 and Rule 10 (4) of the Insecticides Rules, 1971 punishable under Section 29 of the Insecticides Act, 1968 and Institution of prosecution under Rule 27(5) of the Insecticides Rules, 1971, Annexure P-5 as well as summoning order dated 11.11.2024, Annexure P-6 are hereby quashed, qua the petitioners only.

(AMAN CHAUDHARY)
JUDGE

21.01.2026
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Whether speaking/reasoned	:	Yes / No
Whether reportable	:	Yes / No