

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

211

CRM-M-45065-2025

Date of decision: 16.01.2026

Inderjeet Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MS. JUSTICE AARADHNA SAWHNEY

Present: Ms. Indra, Advocate for
Mr. Harsh Goyal, Advocate for the petitioner.

Mr. Gautam Thapar, Sr. DAG, Punjab.

AARADHNA SAWHNEY, J (ORAL)

1. This order shall dispose of present petition for grant of anticipatory bail filed by the petitioner, an accused in case FIR No.55 dated 21.07.2025 under Sections 13,18,29,33 of Insecticides Act, 1968, Section 10 of Insecticide Rules, 1971, Section 7,8 of Fertilizers Control Order, 1985 and 7 of Essential Commodities Act, 1955 read with Section 318(4) of BNS.
2. Learned State counsel submits that the petitioner has since joined the investigation and is no longer required for further custodial interrogation.
4. On 05.09.2025, following order was passed by this Court:

“Petitioner, an accused in case bearing FIR No.55 dated 21.07.2025, registered against him, for commission of offences punishable under Sections 13, 18, 29, 33 of Insecticides Act, 1968, Section 10 of Insecticide Rules, 1971, Sections 7, 8 of Fertilizers Control Order, 1985 and Section 7 of Essential Commodities Act, 1955 read with Section 318(4) of BNS at Police Station MehalKalan, District Barnala, has prayed for grant of pre-arrest bail.

Learned counsel submits that the petitioner has been falsely implicated in the present case, as also that if the allegations levelled in the FIR are presumed to be true, he was selling

insecticides, pesticides etc. from unauthorized godown, as also certain chemicals were recovered which are not registered in the State of Punjab and banned by the Central Government. Learned counsel submits that in the absence of any complaint lodged by any farmer/purchaser etc., no offence under Section 420 IPC is made out. At best, petitioner is alleged to have violated some of the provisions of Fertilizer Control Order, 1985. The samples were drawn from all the chemicals/pesticides etc. found at the unauthorized place, documents etc. are also in possession of the investigating agency of the State. Taking his submissions further, learned counsel contends that prior to registration of the FIR, no written consent of the State Government or any authorized person was taken, as required under Section 31 in the Insecticides Act, 1968. Learned counsel also refers to judgment of Coordinate Bench in CRM-M 25881-2016 titled as 'Bhupinder Singh vs. State of Punjab and another', wherein the FIR under Section 420, 120-B IPC, Section 7 of Essential Commodities Act, 1955 and Section 29 of Insecticides Act, 1968, was quashed with the following observations:-

"The question arises if FIR in the instant case could be registered. In this case, complainant was specifically directed by this Court to file a specific affidavit as to whether FIR is maintainable under the provision of Insecticide Act and sanction is required under Section 31 of the Act which is pre conditions before filing a criminal complaint. Reply by way of affidavit dated 12.01.2018 was filed. The extract of the same is as under:-

"6. That it is correct that under the provisions of Insecticide Act, 1968, FIR is not maintainable, as well as sanction is required before launching the prosecution. However, keeping in view the above facts and circumstances of the case, the answering respondent had no option, but to report the matter to the police due to the illegal sale. Since this present F.I.R. had been registered not only under the provisions of Insecticides Act, 1968 but also under Sections 420, 120- B of the IPC and Sections 7 and 10A of the Essential Commodities Act, 1955, for which no sanction is required, hence this F.I.R. is maintainable. Since the challan had been presented by the Police in this case before the learned Court of Chief Judicial Magistrate, Faridkot. The petitioners must plead their defence before the learned trial court.

In case Pardeep Kumar Garg and other cited Supra, FIR was registered under Insecticides Act 1968, Insecticides Rules, 1971, The Seeds Act, 1966, The Seeds (Control) Order 1983, The Fertilizers (Control) Order 1985, The Essential Commodities Act 1955 and under Sections 420, 467, 468, 471 of Indian Penal Code. The FIR was quashed that complaint is maintainable and registration of FIR is misused of process of law.

In the light of the above discussion, I am of the view that FIR No.155 dated 10.09.2015, under Sections 420, 120-B IPC, Section 7 of Essential Commodities Act 1955 and Section 29 of Insecticides Act, 1968, registered at Police Station City Kotkapura, District Faridkot, and all subsequent proceedings arising therefrom qua the petitioners are hereby quashed and petition stands disposed of accordingly.”

In view of the above, learned counsel submits that the presence of the petitioner is not needed for custodial interrogation, as also petitioner is willing to join the investigation as and when called for by the IO.

Status report/reply by way of affidavit of Mr. Jatinder Pal Singh, Deputy Superintendent of Police, Barnala has been placed on record. Apart from mentioning the factual backdrop of the case, learned State counsel refers to para 4 of the reply, wherein it has been stated that the material/chemicals were stored at “unathorized place”, in disconformity with the provisions of Insecticides Act. Though, it has further been stated that some of the samples (40 Kg Carbendazim 12% + Mancozed 63% WP) are also banned in the State of Punjab. However, samples drawn of Diammonium Phosphate confirmed with the specification. Complete analysis report is, however, awaited.

It has further been mentioned that no other case of like nature/any other FIR is registered against the petitioner. Towards the end, it has been pointed out that petitioner is not entitled to the grant of pre-arrest bail.

Heard. Documents on record including the judgment of Coordinate Bench also perused.

In view of the submission advanced by learned counsel for the petitioner, but without expressing any opinion on the merits of the case, the petitioner is hereby directed to join investigation within seven days from today and co-operate in the same. In the event of

the arrest of the petitioner, he shall be released on interim bail on his furnishing personal/surety bonds to the satisfaction of the Arresting Officer/Investigating Officer. He shall also abide by conditions as envisaged under Section 482(2) BNSS. Adjourned to 16.10.2025 ”

6. Keeping in view the above submissions advanced by learned counsel for the petitioner as also the fact that the petitioner has joined the investigation, interim bail granted vide order dated 05.09.2025 is hereby confirmed, subject to conditions as envisaged under Section 482(2) BNSS. Further the petitioner is directed to join investigation as and when required in future by way of written notice for such purpose to be served by Investigating Officer of this case upon the petitioner; he will not tamper with the evidence nor will influence the witnesses and will not leave the country without prior permission of the Court.

7. The petition stands allowed.

16.01.2026
manoj

(AARADHNA SAWHNEY)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No