



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

234/2

**CRM-M No.43822 of 2025
Date of decision : 27.8.2025**

Umesh Kumar Saini**.....Petitioner****Versus****State of Punjab****.....Respondent****CORAM: HON'BLE MR. JUSTICE SUMEET GOEL**

Present: Mr. Mohit Nehra, Advocate, for the petitioner

Mr. Jaypreet Singh, DAG, Punjab

SUMEET GOEL, J. (ORAL)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') for grant of regular bail to the petitioner in case FIR No.51 dated 13.6.2025, under Sections 316(2), 318(4), 61(2) of Bharatiya Nyaya Sanhita, 2023 and Section 7 of Essential Commodities Act, 1955, registered at Police Station Sadar Abohar, District Fazilka.
2. The case set up in the FIR in question (as set out in the present petition by the petitioner) is as follows:-

'Copy of Complaint No. 448-PC-DC dated 05.06.2025, Office of Senior Superintendent of Police, Fazilka. To the Ld. Senior Superintendent of Police Fazilka. No. 3652 dated 02.06.2025. Subject:- Complaint made by the Farmers Manpreet Singh and Sukhwinder Singh, residents of Village Jhuharkhera regarding D.A.P Fertilizer. Reference:- Letter No. 287 dated 31.05.2025 from the Assistant Plant Protection Officer, Abohar.



Regarding the above subject and the letter under reference, a letter from the Assistant Plant Protection Officer, Abohar has been received to the effect that the farmers have made a complaint that 100 bags of D.A.P were purchased by them from the Godown of Shri Ranjit Singh son of Bohar Singh owner of Abhijot Trading Company, Balluana-Kera Khera Road without any Bill on 25.5.2025. The purchase which has been made without the Bill by the farmers is the violation of Section 5 of F.C.O. This 100 bags of DAP were purchased by the farmers of Village Jhuharkhera in association with each other from Ranjit Singh. When the farmers demanded the Bill of the fertilizer, then Ranjit Singh did not issue the Bill. On continuous demand of the bill by the farmers, Shri Ranjit Singh told them that about the bill, enquiry may be made from Shri Ashok Kumar, Agriculture Officer. On contacting Shri Ashok Kumar they told that even after getting the amount deposited by the firm from them, Ranjit Singh supplied spurious fertilizer with which we have been cheated. After hearing the whole story of the farmers by Ashok Kumar, he asked to close the matter. The above mentioned fertilizer has been given to the farmers by Ranjit Singh without the bill which is the violation of Section 5 of F.C.O 1985. The farmers have said that Shri Ashok Kumar and Shri Ranjit Singh are the dealing partners of M/S Chardikala Pesticide, Abohar. Shri Ashok Kumar is working as Agriculture Development Officer, Block Fazilka in Agriculture Department but according to the office record, Shri Ranjit Singh is the only owner of M/S Chardikala Pesticide, Abohar. It has also been written by the farmers that with the these spurious pesticides and fertilizer, we have suffered financial loss. Therefore due legal action may be taken. The Department has taken two samples suspicious/unauthorized fertilizer out of 65 bags available with the farmers. The fertilizer supplied to the farmers seems to be suspicious/unauthorized which is violation of the Section 7 of the Essential Commodities Act and Section 7 of F.C.O 1985, Therefore you are, requested that with regard to the fertilizer which seems to be suspicious/unauthorized, a complaint may be registered and due legal action may be taken so that the cheating played in this respect with the farmers could be brought to light. A copy of the complaint made by the farmers is enclosed herewith and is being sent for taking further legal action. Encl: A copy of the complaint made by the farmers with regard to the DAP fertilizer. 2) Copy of proof of amount made by the farmers, 3. Affidavit with regard to non-misappropriation of fertilizer by



*the farmers. 4) Copy of the Aadhar Card of the above mentioned Farmers.
Sd/- Chief Agriculture Officer, Fazilka.'*

3. Learned counsel for the petitioner has argued that the petitioner is in custody since 9.7.2025. Learned counsel has iterated that the petitioner has been falsely implicated into the FIR in question. Learned counsel has further argued that the prime basis of the prosecution case, as on today, is the disclosure statement of co-accused Ranjeet Singh. Learned counsel has further argued that the said co-accused Ranjeet Singh has been extended the concession of anticipatory bail vide order dated 22.7.2025 passed in CRM-M No.33527 of 2025. Thus, regular bail is prayed for.

4. Learned State counsel has filed reply by way of affidavit of Tejinder Pal Singh, PPS, Deputy Superintendent of Police, Abohar (Rural), District Fazilka in Court today (in CRM-M No.41890 of 2025). The same be kept on record. Copy thereof has been furnished to learned counsel for the petitioner. Learned State counsel has opposed the present petition by arguing that the allegations raised are serious in nature and thus the petitioner does not deserve the concession of the regular bail. Learned State counsel seeks to place on record custody certificate dated 26.8.2025 in Court, which is taken on record.

5. I have heard counsel for the parties and have gone through the available records of the case.

6. The petitioner is in custody since 9.7.2025. The culmination of the investigation as also the trial emanating therefrom, in case occasion so arises, will take its own time. The rival contentions raised by learned



counsel give rise to debatable issues which shall be ratiocinated upon during the course of trial This Court does not deem it appropriate to delve deep into these rival contentions, at this stage, lest it may prejudice the trial. Nothing tangible has been brought forward to indicate the likelihood of the petitioner absconding from the process of justice or interfering with the prosecution evidence.

As per custody certificate dated 26.8.2025 filed by learned State counsel, the petitioner has already suffered incarceration for a period of one month and fifteen days & is not shown to be involved in any other case.

Suffice to say, further detention of the petitioner as an undertrial is not warranted in the facts and circumstances of the case.

7. In view of above, the present petition is allowed. Petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the Ld. concerned CJM/Duty Magistrate. However, in addition to conditions that may be imposed by the concerned CJM/Duty Magistrate, the petitioner shall remain bound by the following conditions:-

- (i) The petitioner shall not mis-use the liberty granted.
- (ii) The petitioner shall not tamper with any evidence, oral or documentary, during the trial.
- (iii) The petitioner shall not absent himself on any date before the trial.
- (iv) The petitioner shall not commit any offence while on bail.
- (v) The petitioner shall deposit his passport, if any, with the trial Court.
- (vi) The petitioner shall give his cell-phone number to the Investigating Officer/SHO of concerned Police Station and shall not change his cell-phone number without prior permission of the trial Court/Illaq Magistrate.



(vii) The petitioner shall not in any manner try to delay the trial.
(viii) The petitioner shall submit, on the first working day of every month, an affidavit, before the concerned trial Court, to the effect that he has not been involved in commission of any offence after being released on bail. In case the petitioner is found to be involved in any offence after his being enlarged on bail in the present FIR, on the basis of his affidavit or otherwise, the State is mandated to move, forthwith, for cancellation of his bail which plea, but of course, shall be ratiocinated upon merits thereof.

8. In case of breach of any of the aforesaid conditions and those which may be imposed by concerned CJM/Duty Magistrate as directed hereinabove or upon showing any other sufficient cause, the State/complainant shall be at liberty to move cancellation of bail of the petitioner.

9. Ordered accordingly.

10. Nothing said hereinabove shall be construed as an expression of opinion on the merits of the case.

(SUMEET GOEL)
JUDGE

27.8.2025

Ashwani

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No