



210 IN THE HIGH COURT OF PUNJAB AND HARYANA  
CHANDIGARH

CRM-M-402-2025 (O&M)

Date of Decision: 11.02.2025

HARKIRAT SINGH

...Petitioner

V/S

STATE OF PUNJAB

...Respondents

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Vaneet Thakur, Advocate  
for the petitioner.

Mr. Sandeep Kumar, DAG Punjab

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**HARPREET SINGH BRAR J. (Oral)**

1. The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.92 dated 14.11.2024 under Sections 3(2)(c)/3(2)(d) of The Essential Commodities Act, 1955 and Sections 7/6/3(3) of The Fertiliser (Control) Order, 1985 registered at Police Station Aur, District SBS Nagar (Annexure P-1).

2. On 10.01.2025, following order was passed:

*“The present petition has been filed under Section 438 of Cr.P.C. seeking anticipatory bail to the petitioner in case bearing FIR No.92 dated 14.11.2024 under Sections 3(2)(c)/3(2)(d) of The Essential Commodities Act, 1955 and Sections 7/6/3(3) of The Fertiliser (Control) Order, 1985 registered at Police Station Aur, District SBS Nagar (Annexure P-1).*

*Learned counsel for the petitioner inter alia contends that the petitioner has been falsely implicated in the present case. The petitioner has purchased the fertilizer for his own use and rather, he has been cheated by the dealer by supplying sub-standard fertilizer. He further submits that the petitioner is not involved in any other case. Moreover, the maximum sentence under which the FIR was registered is punishable upto seven years and no notice under Section 35 of*



*BNSS (earlier Section 41-A of Cr.P.C.) has ever served upon the petitioner. As such, the petitioner is entitled to anticipatory bail in view of the directions issued by the Hon'ble Supreme Court in Md. Asfak Alam v. State of Jharkhand and another 2023 (3) R.C.R(Criminal) 754. It is further contended that there is no possibility of the petitioner fleeing from justice and pre-trial detention would cause irreparable loss, mental agony, embarrassment and humiliation to the petitioner as well his entire family.*

*Notice of motion.*

*On the asking of the Court, Mr. Subhash Godara, Addl.A.G., Punjab, who is present in Court, accepts notice on behalf of the respondent-State.*

*In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in **Arnesh Kumar v. State of Bihar (2014) 8 SCC 273, Arnab Manoranjan Goswami v. State of Maharashtra (2021) 2 SCC 427, Satender Kumar Antil v. CBI (2022)10 SCC 51, Siddharam Satlingappa Mhetre v. State of Maharashtra & Ors. 2010 SCC OnLine SC 1375 and Shri Gurbaksh Singh Sibbia V. State of Punjab (1980) 2 SCC 565**, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (earlier Section 438 (2) Cr.P.C.).*

*If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.*

*Adjourned to 11.02.2025.*

*Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.”*



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3. Learned State counsel on instructions from Inspector Naresh Kumari, submits that in compliance of order dated 10.01.2025 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel the order dated 10.01.2025, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 438(2) of Cr.P.C./482(2) of B.N.S.S.

5. The petition is accordingly disposed of.

**(HARPREET SINGH BRAR)**  
**JUDGE**

11.02.2025  
*Ajay Goswami*

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>