

CRM-M-28546-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-28546-2025
Decided on: 23.05.2025

Tarun Mehendru

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Bipan Ghai, Sr. Advocate with
Mr. Nikhil Ghai, Advocate
Mr. Akhil Godara, Advocate
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
123	27.04.2025	Sector 17, District Huda Jagadhri, Yamuna Nagar	5, 7, 25, 28 of Fertilizer Movement Control Order 1973 and Clause 3 r/w 7, 10 of Essential Commodities Act of 1955 and 61(2), 318(4), 336(3), 338, 340(2) of BNS 2023

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking anticipatory bail.

2. In paragraph 13 of the bail petition, the petitioner declares the following criminal antecedents:

Sr. No.	FIR No.	Date	Offenses	Police Station
1	299	30.09.2024	3 & 7 of Essential Commodities Act 1955	Sarsawa, District Saharanpur

3. The facts and allegations are being taken from the order dated 12.05.2025 passed by the Sessions Judge, Yamuna Nagar, which reads as follows:

“3. The allegations against the petitioner, as contained in the said FIR and its consequent proceedings, are that on 26.4.2025, at about 2.20 p.m., members of C.M. Flying Squad, Haryana intercepted a truck bearing registration No. UP-15DT-5845 near Aggarsen Chowk, Jagadhri; that its

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members then intimated SI Imtiaz Ali of Police Post Arjun Nagar, Jagadhri about the said interception; that accordingly, with other police officials, he reached there; that on inquiry from the driver of the said vehicle, he told his name as Farid son of Sh. Abdul Salam resident of Jae, Police Station Bhagwanpur, District Meerut (UP); that the person sitting by his side disclosed his identity as Rahish son of Sh. Jahid, resident of Harra town, Tehsil Sardhana, Police Station Sarurpur, District Meerut (UP); that the said driver disclosed to the said police officials that the said vehicle contained 600 bags of urea and he has brought the same from a go-down situated near vegetable market in T.P. Nagar, Meerut; that he also disclosed to the said police officials that the owner of the said urea was leading them on his Innova car and when they were following the said Innova car, they were intercepted in the above stated manner; that Dr. Ajay Kumar and Sh. Harish Pandey from Agriculture Department, Yamuna Nagar were summoned to the spot and they checked the said truck by opening tarpaulin thereof; that after the said checking, they reported that the said urea belonged to KRIBHCO Ltd. and can be allotted for only agriculture use at subsidized rates but cannot be taken from one State to another; that on checking, three bills were produced by the said driver; that the said two agriculture department officers told the police that urea cannot be supplied on the said bills and the same are forged; that the co-accused Ashik resident of Chandpur and Mosin resident of Todarpur were leading the said driver in the said Innova car; that since they and the said driver as well owner of the said company had supplied the said bags in an illegal manner and in criminal conspiracy with each other for the purpose of using the said urea to prepare glue in a plywood factory, the above stated FIR was registered against them; that the said vehicle was taken to Police Line, Yamuna Nagar and on counting, the number of bags loaded in the same were found to be 695 bags; that three bills produced by the said driver were in the name of Kisan Trading Company, Jagadhri, Haryana Urea Seed Depot and Jaikara Enterprises, all dated 26.4.2025; that the said bills were issued by Aradhya Enterprises having GSTIN 09EZVPM3978MIZZ; that when the said driver was interrogated in police custody, in consequence to his disclosure statement, he got the place from where he picked up the said urea bags, demarcated in District Meerut; that gate pass and register report from the office of Uttar Pradesh State Warehousing Corporation were obtained; that thereafter, the co-accused Varun Goyal was apprehended and interrogated; that address about the firm AUAVSS and invoices of Kribhco Company were taken in police possession; that bills of urea got

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allotted by the said accused through his firm were obtained; that inquiries were made from District Agriculture Office, Saharanpur about Aradhya Enterprises and Bhagwati Enterprises; that on such inquiry, the said officer handed over the documents about Bhagwati Enterprises and also told that an FIR No. 299/2024 stands registered against the said firm at Police Station Sarsawa; that the said officer also intimated the police that there was no firm in the name of Aradhya Enterprises registered with it in respect of allotment/ distribution of urea from Kribhco; that the co-accused Varun Goyal was arrested in the present FIR on 5.5.2025; that on interrogation, he got the place from where he got loaded 600 bags of Kribhco urea in District Meerut in the above stated vehicle, demarcated; that the said Bhagwati Enterprises belongs to the petitioner; that the address of the said Aradhya Enterprises is also the address of the said Bhagwati Enterprises; that it has come in evidence that the above stated three bills of urea were issued by the petitioner; that since there is no firm in the name and style of Aradhya Enterprise, the said bills are forged; that the said Varun Goyal had got allotted 700 urea bags from Kribhco, Meerut which were brought to the jurisdiction of District Yamuna Nagar without any authority or permission, although, the said urea bags were required to be distributed to agriculturists that too on retail basis; that on 22.4.2025, the co-accused Varun Goyal got allotted 720 urea bags from Meerut; that during investigation, it came out that premises of the co-accused Varun Goyal did not contain even a single urea bag for distribution to the agriculturists and in this manner, the petitioner and his co-accused, in criminal conspiracy with each other, have cheated the Kribhco Ltd. as well as Agriculture Department, Meerut and for the said purpose have forged the above stated documents; that market commercial value of the said urea bags for use in the plywood factories is Rs. 2400/- per bag whereas one bag from Kribhco through a license of Agriculture Department costs only Rs.254/-; and that since the said bags were apprehended in the jurisdiction of the Police Station in question and the said offences are continuing offences, the petitioner and others have committed the above stated offences. Apprehending his arrest in the said FIR, the petitioner is for anticipatory bail before this Court.”

4. The petitioner's counsel prays for bail and on instructions submits that petitioner would live like a decent human being and would not repeat the offence and if he does so, he has no objection, if the State informs the financial details to the Enforcement Directorate. He further prays for bail by imposing any stringent conditions and contends

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that pre-trial incarceration would cause an irreversible injustice to the petitioner and his family.

5. The State's counsel opposes bail.

REASONING:

6. There is no direct evidence against the petitioner and even in which company the fertilizer was alleged to be delivered, there is no firm in the said name for sale of Fertilizer in Haryana and tried to transport the same out of Haryana. Pre-trial incarceration should not be a replica of post-conviction sentencing. The evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing it for the stage of anticipatory bail. An analysis of the above does not justify custodial interrogation or pre-trial incarceration.

7. Given the above, the penal provisions invoked coupled with the prima facie analysis of the nature of allegations and the other factors peculiar to this case, there would be no justifiability for custodial interrogation or the pre-trial incarceration at this stage. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

8. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on anticipatory bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the Arresting Officer, and if the matter is before a Court, then the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Officer/Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

9. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

10. This order is subject to the petitioner's complying with the following terms.

11. The petitioner is directed to join the investigation within seven days of uploading this order on the official webpage of the High Court of Punjab and Haryana and as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act, 1872/ Section 23 of BSA, 2023. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During

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the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

12. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case or dissuade them from disclosing such facts to the Police or the Court.

13. In case the Investigator/Officer-In-Charge of the concerned Police Station arraigns another section of any penal offense in this FIR, and if the new section prescribes a maximum sentence that is not greater than the sections mentioned above, then this bail order shall be deemed to have also been passed for the newly added section(s). However, suppose the newly inserted sections prescribe a sentence exceeding the maximum sentence prescribed in the sections mentioned above; then, in that case, the Investigator/Officer-In-Charge shall give the petitioner notice of a minimum of seven days, providing an opportunity to avail the remedies available in law.

14. This bail is conditional, and the foundational condition is that if the petitioner would repeat the offence, the State shall inform his financial details to the Enforcement Directorate.

15. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

16. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

17. Petition allowed in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

23.05.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.