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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21218-2025 (O&M)
Date of Decision: 26.05.2025

JAGDEEP SINGH BRAR

...PETITIONER

VS.

STATE OF HARYANA

...RESPONDENT

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present :- Mr. S.K. Garg Narwana, Sr. Advocate with
Mr. Vazir Mor, Advocate,
Mr. Vishal Garg Narwana, Advocate,
Mr. Nitin Sachdeva, Advocate,
Mr. Rajat Sheokand, Advocate &
Ms. Chetna Rao, Advocate
for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present petition under Section 483 of BNSS, 2023 with a prayer to grant regular bail to him in case FIR No.308 dated 21.06.2018, registered under Sections 177, 409, 420, 465, 467, 468, 471, 120-B IPC & Section 13 of PC Act, Police Station Sector 5, District Panchkula.
2. The FIR in the present case was registered on the basis of the statement made by Deputy Inspector General of Police, CM Flying Squad, and the same has been reproduced below:-

*“To. Deputy Commissioner of Police Panchkula No.
3190/Complaint Branch Intelligence Department, Panchkula Date*



21.06.2018. Subject-Complaint regarding Scarn in purchase of inputs by Haryana Agriculture Department through HAFED, Land Reforms Corporation and Seed Corporation etc. A complaint regarding the above said subject was received from Ram Kanwar resident Dulina District Jhajjar. The investigation of which was conducted through Chief Minister's Flying Squad. It was found from the Investigation that in the year 2014-2015, the Agriculture Department had purchased organic fertilizer through HAFED. In which, by ordering to buy organic manure from the companies, payment was made for the organic fertilizer supplied in the form of organic manure. Whereas the J Form of the samples of organic manufacture provided by the complainant and their sample test reports reveal that this organic fertilizer was not organic manufacture but city compost. Thus, the officials of the Agriculture Department and HAFED have violated the Fertilizer Control Order 1985 and caused financial loss to the government by purchasing low grade (CITY COMPOST) fertilizer and paying high grade (ORGANIC MANURE) fertilizer to the supplier firm. Similarly, in the year 2015-16, the Agriculture Department had purchased organic manufacture through HAFED Headquarters Panchkula and H.L.R.D.C. Headquarters Panchkula. The J Forms of sample code numbers QCFK 30, 31, 32, 47, 48, 49, 50, QCF 82 and SDF 37 and their two sample test reports provided by the complainant In this regard show that the lab test reports of all the above sample codes prepared by Dr. Shahina Tawassum have passed as organic manufacture on the basis of FCO'S GUIDLINE. In this regard, the correspondence done by the Agriculture Department Haryana with the National Organic Farming Center Ghaziabad also shows that the sample test reports of organic manufacture were first shown as failed and later shown as passed. This shows that the entire work of failing or passing the sample test reports was done to benefit the companies supplying organic manufacture. Due to which the government has suffered financial



loss. It appears from this that in the year 2014-15 and 2015-16 the officers/employees of Agriculture Department and HAFED Headquarters Panchkula, in order to benefit the organic fertilizer supplying companies, have violated the Fertilizer Control Order 1985 and distributed low quality organic fertilizer to the farmers, causing financial loss to the Government. There has been a huge fraud in purchasing organic fertilizer on subsidy and distributing it to the farmers. In which the involvement of some officers/employees of Agriculture Department, HAFED and H.L.R.D.C. Headquarters Panchkula and the fertilizer supplying companies can be found. On the basis of preliminary investigation a prima facie criminal case has been registered under sections 177,409,420,465,467,468,471,120-B of the Indian Penal Code. Or 13 of the Prevention of Corruption Act 1989. Therefore, under the above sections a case should be registered and Investigation should be carried out and please inform this office about the action taken by you. Enclosure Copy of complaint and investigation report Signed inspector General of Police, Chief Minister's Flying Squad Haryana, Panchkula. Police Station - The above complaint No. 361- appearance dated 21.6.2018 was received at the police station through the office of Deputy Commissioner of Police, Panchkula, for taking action against the scam in the purchase of HAFED, Land Reforms Corporation or seed corporation by Haryana Agriculture Department, on the gist of the application, the crime has been registered under sections 177,409,420,465,467,468,471,120-B of the Indian Penal Code and under Section 13 of the Corruption Act 1989. On finding it to be, FIR No. 308 dated 21.06.18 under sections 177,409,420,465,467,468,471,120-B IPC and 13 of the Corruption Act 1989 IPC was registered at Police Station Sector-5 Panchkula and the photocopy of complaint along with the original complaint is being sent to the Assistant Commissioner of Police, Crime, Panchkula, through Post as per the orders of higher authorities for



further investigation. A special report of the First Information Report is being prepared and sent to the service through e-mail officer. The record has been completed lawfully”.

3. Learned counsel for the petitioner contends that the petitioner has not been named in the FIR and there is no allegation, which may connect him in the commission of crime in any manner. Even as per the FIR, general allegations have been levelled in the FIR that in the year 2014-2015 and 2015-2016, the officials of Agricultural Department and HAFED Panchkula have violated the Fertilizer Control Order 1985 and distributed low quality organic fertilizers to the farmers, causing huge financial loss to the Government. He further contends that in the present case, the petitioner was arrested on 28.02.2025, without seeking prior mandatory approval under Section 17-A of Prevention of Corruption Act. Learned Senior counsel further submits that in the present case, the challan has been prepared and is likely to be presented against him shortly. Even the ground of arrest was never communicated to the petitioner and his arrest was illegal. Even he places reliance on the report Annexure P-5 to contend that there was no embezzlement of Government funds and the FIR is based on complete falsehood. Since the petitioner has already suffered incarceration for a period of 03 months and the investigation qua him is almost complete, he deserves to be enlarged on bail.

4. On the other hand, learned State counsel has vehemently opposed the submissions made by learned counsel for the petitioner on the ground that serious allegations have been levelled against the present petitioner and even there is documentary evidence to prove the involvement of the petitioner in the crime and he does not deserve the concession of bail by this Court.



5. I have heard the learned counsel for the parties and perused the record carefully.

6. In the present case, the petitioner is stated to be in custody for almost 03 months. Investigation has already been completed against him and the challan is almost ready to be filed before the trial Court. Moreover, the case is based on documentary evidence, which have already been collected by the police in the present case.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

8. All other pending applications, if any, are also disposed off, accordingly.

26.05.2025
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(N.S. SHEKHAWAT)
JUDGE

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