

**IN THE COURT OF ATUL KASANA,
ADDITIONAL SESSIONS JUDGE, MOGA.
(UID NO.PB0085)**

**B.A/CIS No. 1696 of 2021
CNR No. PBMO010042982021
Date of Order: 1.9.2021.**

Gurpreet Singh, aged about 31 years son of Kuljeet Singh, resident of Kila Agwar, Smadh Bhai, Tehsil Baghapurana, District Moga.

~~~~ Accused/Applicant

Versus

State of Punjab

**FIR no. 34 dated 25.6.2021  
Under Section 420 IPC and Section 7 of  
Essential Commodities Act, 1955  
P.S.Fatehgarh Panjtoor.**

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Application under Section 438 Cr.PC grant of anticipatory bail.

Present:- Sh. J.S.Chadha, Adv counsel for applicant/accused
Sh.Sahib Singh, Addl. PP for State

ORDER

1. This order of mine shall dispose of bail application under Section 438 Cr.PC filed by the applicant/accused named above in case in case FIR no. 34 dated 25.6.2021, under Section 420 IPC and Section 7 of Essential Commodities Act, 1955, P.S.Fatehgarh Panjtoor.
2. Notice of the bail application was issued to the State and record of concerned police station was requisitioned.
3. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the present case and he never sold duplicate fertilizer to the complainant and he has no concern with the present FIR and the recovery had only been effected from the co-accused. He further submits that the main accused

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namely Harjinder Singh has already been released on regular bail by this court. He submits that applicant has joined the investigation. On these submissions, a prayer for acceptance of the bail application was made.

4. On the other hand, the learned APP for the State submits that the accused/applicant is habitual of selling substandard fertilizer and further submits that in view the gravity of the offence, the accused/applicant is not entitled to concession of bail. However, it was submitted that the applicant/accused has joined the investigation.

5. I have considered the submissions of learned counsel for the applicant as well as learned Addl. PP for State and have perused the record.

6. The FIR in the present case has been registered at the instance and on the statement of complainant Gurloveleen Singh. It is in accusations that he is posted as Agriculture Development Officer in the area of Fatehgarh Panjtoor. On that day, he was present in the area of Fatehgarh Panjtoor and Gurbhej Singh son of Pishore Singh and Rashpal Singh son of Bohar Singh made a complaint before him that Harjinder Singh son of Amarjit Singh sold them fertilizer Fertis (90% Sulphar) and the said fertilizer appears to be spurious. In this regard, he gave intimation to Gurpreet Singh Agriculture Officer, Kot Ise Khan, and Gursahib Singh Agriculture Officer Kot Ise Khan and he requested them to visit the spot and that the said person on that day was going to village Mandi Jamal for selling the substandard fertilizer and if a raid is conducted, he could be apprehended.

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7. The allegations against the accused/applicant is that he was nominated in the present case on the basis of disclosure statement made by accused Harjinder Singh to the effect that he used to purchase spurious fertilizer from present accused/applicant @ Rs.57/- per kilogram and further sell the same at Rs. 70/- per kg. Recovery already stands effected from co-accused, who has since been released on bail. As per the I.O, the accused/applicant has joined the investigation in this case. It is yet debatable, if the accused/applicant was involved in commission of any such offence or not. Keeping in view the entire facts and circumstances, custodial interrogation of the accused-applicant is not required. Thus, without commenting on the merits of the case and keeping in view the entire facts, interim bail granted to accused/ applicant vide order dated 25.08.2021 is hereby confirmed and made absolute subject to following conditions:

- i. The applicant shall join the investigation as and when asked by the Investigating Officer.
- ii. The applicant shall not tamper with the prosecution evidence.
- iii. The applicant shall not leave the country without prior permission of the court.

The anticipatory bail application accordingly stands allowed. Intimation be sent to SHO of concerned police station. Police record be returned forthwith, while file of this court be consigned to Record room.

Pronounced:
Dt.1.9.2021

(Atul Kasana)
Addl. Sessions Judge, Moga.
UIDNo.PB0085

Sanjeev Kumar
Stenographer-II

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