



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

**CRM-M No.25259 of 2026
Date of decision: 11.05.2026**

Kuldeep Singh and another

...Petitioners

Versus

State of Punjab through Insecticides Inspector

...Respondent

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present :- Mr. Sachin Sharma, Advocate
Ms. Rakhi Sharma, Advocate and
Ms. Nirmala Devi, Advocate
for the petitioners.

Mr. Sahil Chowdhary, AAG, Punjab.

MANDEEP PANNU, J. (Oral)

1. The present petition has been filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (formerly Section 482 Cr.P.C.) for quashing of Criminal Complaint No. *COMA-176-2021* dated 31.05.2021 titled as “*State of Punjab through Insecticides Inspector versus M/s Nihal Trading Company and others*”, instituted under Sections 3(k)(i), 17, 18, 29 and 33 of the Insecticides Act, 1968 read with Rule 27(5) of the Insecticides Rules, 1971, along with summoning order dated 02.07.2021 passed by learned SDJM, Talwandi Sabo, and all consequential proceedings arising therefrom, qua the present petitioners, i.e petitioner No.1 Kuldeep Singh, arrayed as accused No.4 being Godown Incharge, and petitioner No.2 M/s Krishi Crop Science, arrayed as accused No.3 being Marketer through



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accused No.4 in the impugned complaint.

2. Briefly stated, the facts of the present case are that the complaint was filed by the Insecticides Inspector, Block Maur, District Bathinda under Sections 3(k)(i), 17, 18, 29 and 33 of the Insecticides Act, 1968 read with Rule 27(5) of the Insecticides Rules, 1971 against the dealer, marketer and manufacturer of the insecticide in question. It was alleged that on 20.01.2020, the complainant along with the Agriculture Officer inspected the premises of dealer firm namely M/s Nahil Trading Co., Krishna Mandir Market, Maur Mandi, District Bathinda and found stock of insecticide 2,4-D Amine Salt 58% SL bearing Batch No. KCS-510, manufacturing date December 2019 and expiry date November 2021. The said insecticide had been manufactured by M/s Krishi Crop Science, Works Hanumangarh Road, Sakhta Khera, Sirsa, Haryana and marketed by M/s Krishi Crop Science, New Grain Market, Booth No.151, Malout, Punjab. It was further alleged that the sample was drawn from the premises of the dealer in the presence of Jaswinder Singh, proprietor of the dealer firm, after following the prescribed procedure and the same was sent for analysis to the Insecticide Testing Laboratory, Amritsar. Upon analysis, the sample was found not conforming to the prescribed specifications and thereafter, on the request made by the dealer, the reference sample was sent for re-analysis to the Central Insecticides Laboratory, Faridabad. As per the re-analysis report dated 04.06.2020, the active ingredient content was found to be 51.35% instead of the prescribed 58%, and consequently the sample was declared “misbranded” within the meaning of Section 3(k)(i) of the Act. In the complaint, accused No.1 M/s Nahil Trading Co. was described as the dealer



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firm and accused No.2 Jaswinder Singh was stated to be its sole proprietor and person responsible for day-to-day affairs of the said firm. It was alleged that the dealer had purchased the insecticide from the marketing company for sale to farmers and had stocked and distributed the same despite the sample having been found misbranded. The present petitioners were arrayed as accused No.3 and 4 respectively. Accused No.3 namely M/s Krishi Crop Science, New Grain Market, Booth No.151, Malout, Punjab was described in the complaint as the “marketing company”, whereas petitioner No.1 Kuldeep Singh was impleaded as accused No.4 being stated to be the Godown Incharge of the said marketing company. The only allegations levelled against the present petitioners are that the marketing company had distributed the insecticide to the dealer firm and that the petitioners allegedly failed to check the distribution of the insecticide which was subsequently found to be misbranded. The complaint further alleges that the petitioners had thereby violated the provisions of Sections 3(k)(i), 17, 18, 29 and 33 of the Act by marketing, stocking and distributing the said insecticide. The complaint further impleads accused No.5 M/s Krishi Crop Science, Works Hanumangarh Road, Sakhta Khera, Sirsa, Haryana as the manufacturing company; accused No.6 Roshan Lal Sharma as proprietor and person responsible for conduct of business of the manufacturing company; and accused No.7 Vishnu Datt Sharma as the person responsible for quality control. It was alleged against the manufacturer and its responsible persons that the insecticide in question had been manufactured and supplied despite not conforming to the prescribed standards and that they were liable under Sections 17, 18, 29 and 33 of the Act.



3. Learned counsel for the petitioners has contended that the present petitioners have been falsely implicated in the present complaint despite the fact that petitioner No.1 Kuldeep Singh was merely working as Godown Incharge of the marketing company namely M/s Krishi Crop Science, New Grain Market, Booth No.151, Malout, Punjab and had no role whatsoever either in the manufacturing process or in the quality control of the insecticide in question. It has been argued that the alleged sample was admittedly manufactured by the manufacturing company M/s Krishi Crop Science, Works Hanumangarh Road, Sakhta Khera, Sirsa, Haryana and the same was only marketed/distributed by petitioner No.2 company in sealed condition. Learned counsel submits that no sample was ever drawn from the premises of the petitioners and the sample in question was admittedly lifted from the premises of the dealer namely M/s Nahil Trading Co., Maur Mandi, District Bathinda. It has further been argued that co-accused Vishnu Datt Sharma had already been appointed as the person responsible for quality control by the manufacturing company in terms of Section 33 of the Insecticides Act, 1968 and had furnished affidavits dated 03.01.2013 and 13.02.2015 accepting responsibility regarding the quality control and manufacturing standards of the insecticide. Learned counsel further submits that once a specific person had been nominated by the manufacturing company for quality control purposes, the present petitioners, who are merely marketer and godown incharge respectively, cannot be held vicariously liable for the alleged misbranding of the insecticide. Learned counsel for the petitioners has further contended that there is no specific allegation in the complaint that the present petitioners had any knowledge,



consent, connivance or negligence in relation to the alleged misbranding of the insecticide. It has been argued that the complaint does not attribute any overt act to the petitioners except alleging that the insecticide was marketed by petitioner No.2 company. Learned counsel submits that the insecticide was supplied in its original sealed packing as received from the manufacturer and, therefore, there was no possibility of tampering, adulteration or manipulation at the hands of the present petitioners. It has also been argued that Section 33 of the Insecticides Act merely deals with vicarious liability of persons responsible for conduct of business of a company and such provision would come into operation only when there are foundational allegations showing commission of an offence by the company itself. Learned counsel submits that in the absence of any allegation regarding manufacturing defect, tampering, consent or negligence attributable to the petitioners, mere designation as marketer or godown incharge would not attract criminal liability under Sections 17, 18 or 33 of the Act. Learned counsel has further contended that the summoning order dated 02.07.2021 is a completely non-speaking and mechanical order passed without application of mind, as learned Magistrate merely recorded that the complaint be registered and notice be issued to the accused persons without discussing the allegations or the material available on record. It has been argued that the mandatory requirement of inquiry/investigation under Section 202 Cr.P.C. corresponding to Section 225 BNSS was also not complied with, despite the petitioners residing outside the territorial jurisdiction of learned trial Court. It has next been argued that there are material inconsistencies in the test reports inasmuch as the first laboratory



report reflected active ingredient content at 50.18%, whereas the re-analysis report reflected the same at 51.35%, thereby showing substantial variation in the results and creating serious doubt regarding the correctness and reliability of the sampling and testing procedure adopted by the department. Learned counsel for the petitioners has further argued that the present prosecution amounts to abuse of the process of law, as the petitioners are neither manufacturers nor the persons responsible for quality control under the Act. It has also been submitted that even the co-accused dealer Jaswinder Singh has already been granted relief by this Court in CRM-M-30924-2021 vide order dated 05.12.2023.

4. In support of the aforesaid contentions, learned counsel for the petitioners has placed reliance upon the judgments passed in “*M/s Cheminova India Limited and another versus State of Punjab and another*”, 2021 SCC Online SC 573, “*Pepsi Foods Ltd. and another versus Special Judicial Magistrate and others*”, (1998) 5 SCC 749, “*M/s JM Laboratories and others versus State of Andhra Pradesh and another*”, 2025(1) RCR (Criminal) 807, as well as “*M/s Rallis India Limited and others versus State of Punjab*, 2022(3) RCR (Criminal) 880, to contend that proceedings against marketing companies and their officials are liable to be quashed where no specific role regarding manufacturing, quality control, consent or connivance is attributed to them and where the sample had admittedly been drawn from the premises of the dealer.

5. Notice of motion in the present petition is yet to be issued.

6. However, on advance notice, Mr. Sahil Chowdhary, AAG, Punjab, has appeared on behalf of the respondent-State and opposed the



present petition. Learned State counsel has argued that the insecticide sample in question, namely 2,4-D Amine Salt 58% SL bearing Batch No. KCS-510, was found to be misbranded not only in the initial analysis report but also in the re-analysis report received from the Central Insecticides Laboratory, Faridabad, wherein the active ingredient content was found to be below the prescribed specification. It has been contended that the petitioners were admittedly involved in the marketing and distribution chain of the insecticide and were holding valid licence for sale, stocking and distribution of insecticides and, therefore, cannot escape liability at this stage. Learned State counsel has further submitted that under Sections 17 and 18 of the Insecticides Act, every person involved in manufacture, sale, stocking, distribution or marketing of a misbranded insecticide can be prosecuted and the question whether the petitioners had knowledge, consent or negligence is a matter of evidence to be examined during trial. It has also been argued that the complaint specifically alleges failure on the part of the marketing company to check the distribution of the misbranded insecticide and, therefore, prima facie offences under Sections 3(k)(i), 17, 18, 29 and 33 of the Insecticides Act are made out against the petitioners.

7. Heard learned counsel for the parties and perused the paper-book.

8. A perusal of the complaint would show that the insecticide sample in question was admittedly drawn from the premises of dealer firm M/s Nahil Trading Co., Maur Mandi, District Bathinda and not from the premises of the present petitioners. The allegations contained in the complaint further reveal that petitioner No.2 is merely a marketing company



and petitioner No.1 Kuldeep Singh was only working as Godown Incharge of the said marketing company. There is no allegation in the entire complaint that the present petitioners were involved in the manufacturing process, formulation, composition or quality control of the insecticide in question. Rather, the complaint itself shows that the insecticide had been manufactured by M/s Krishi Crop Science, Works Hanumangarh Road, Sakhta Khera, Sirsa, Haryana and co-accused Vishnu Datt Sharma had been appointed as the person responsible for quality control under Section 33 of the Insecticides Act.

9. This Court further finds that except for bald and vague allegations that the petitioners had failed to check the distribution of the misbranded insecticide, there is no specific assertion regarding any consent, connivance, knowledge, tampering or negligence attributable to the present petitioners. The insecticide was admittedly supplied in sealed packing as received from the manufacturer and no material has been placed on record to show that the petitioners had altered or tampered with the contents thereof.

10. Sections 17 and 18 of the Insecticides Act prohibit manufacture, sale or distribution of misbranded insecticides. However, criminal liability under the said provisions must necessarily be founded upon some material showing involvement of the accused in the alleged misbranding or violation. Merely because a person happens to be part of the marketing chain would not ipso facto render him criminally liable in the absence of any allegation regarding adulteration, tampering, knowledge or active role in the alleged offence.

11. So far as Section 33 of the Act is concerned, the same merely



deals with vicarious liability in relation to offences committed by a company and specifies the persons who may be prosecuted once an offence by the company is made out. The said provision cannot be read in isolation so as to fasten automatic criminal liability upon every employee or official connected with the marketing company.

12. In the present case, once the complaint itself attributes the responsibility regarding quality control to the manufacturing company and its nominated quality control officer, continuation of proceedings against the present petitioners, who are merely marketer and godown incharge respectively, would amount to misuse of the criminal process.

13. The issue involved in the present case is no longer *res integra*. In “*M/s Rallis India Limited (supra)*”, this Court held that where the sample had been drawn from the dealer and not from the premises of the marketing company and there was no allegation regarding adulteration or tampering attributable to the marketing company, prosecution against the marketing company and its officials was not sustainable.

14. Reliance can also be placed upon the judgments rendered by this Court in “*Raghuram Shetty versus State of Punjab*”, CRM-M-43782 of 2015 decided on 16.09.2022 and “*Raman Deep Singh and another versus State of Punjab*”, CRM-M-37453 of 2019 decided on 15.01.2024, wherein it has been specifically held that in cases relating to alleged misbranding of insecticides, dealers, marketers or godown incharges cannot be held vicariously liable in the absence of specific allegations showing their consent, connivance, negligence or involvement in the manufacturing process. It has further been held that where the sample had been taken from



original sealed packing and there was no allegation of tampering or adulteration at the hands of the dealer/marketer, liability would primarily lie upon the manufacturer and the person nominated for quality control under Section 33 of the Insecticides Act.

15. This Court also notices that in the present case, there are no specific allegations explaining as to how and in what manner the present petitioners were responsible for the alleged misbranding of the insecticide in question. The complaint merely contains bald and omnibus allegations against the petitioners without attributing any specific role regarding manufacturing, formulation, quality control or tampering of the product. The sample in question was admittedly drawn from sealed packing supplied by the manufacturer and no material has been brought on record to show that the petitioners had altered or tampered with the contents thereof.

16. This Court also finds substance in the contention raised on behalf of the petitioners that the summoning order dated 02.07.2021 is a wholly cryptic and non-speaking order passed without discussing the allegations or material available on record.

17. Consequently, in view of the aforesaid discussion and the law laid down in *M/s Rallis India Limited's case (supra)*, the present petition is allowed. Criminal Complaint No. COMA-176-2021 dated 31.05.2021 titled "*State of Punjab through Insecticides Inspector Vs. M/s Nahil Trading Company and others*", under Sections 3(k)(i), 17, 18, 29 and 33 of the Insecticides Act, 1968 read with Rule 27(5) of the Insecticides Rules, 1971, summoning order dated 02.07.2021 and all consequential proceedings arising therefrom, qua the present petitioners only, are hereby quashed.



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18. All pending applications, if any, also stand disposed of.
19. However, nothing observed herein shall be construed as an expression on the merits of the case.

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(MANDEEP PANNU)
JUDGE

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No