

Date of Decision:-10.12.2012 Vs. Versus

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Court : Punjab and Haryana

Decided On : Dec-10-2012

Appellant : Date of Decision:-10.12.2012

Respondent : Versus

Judgement :

CRM not M-38824 of 2012 (O&M) 1 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH CRM not M-38824 of 2012 (O&M) Date of Decision:-10.12.2012 Ranjit Singh & Anr. ...Petitioners Versus State of Punjab ...Respondent CORAM: HON'BLE MR.JUSTICE MEHINDER SINGH SULLAR Present: Mr.S.S.Antal, Advocate for the petitioners. Mehinder Singh Sullar, J.(Oral) Tersely, the facts & material, which need a necessary mention for the limited purpose of deciding the instant petition for anticipatory bail and emanating from the record, are that, petitioner No.1 Ranjit Singh is father of petitioner No.2 Hardeep Singh, who is sole proprietor of M/s Anttal Agro Seeds. The prosecution claimed that the petitioners-manufacturer along with their agents/representatives & co- accused held a publicity camp at village Raike Kalan and projected that if the farmers purchase seeds prepared by them (petitioners), then, they can get yield more than 30 quintals per acre. They also assured that crops of their seeds do not get any disease as well. Believing their assurance as true, the complainant and other farmers purchased and sown the seeds. Subsequently, it revealed that petitioners have cheated and sold the fake seeds to the complainant farmers. It did not yield any crop at all and CRM not M-38824 of 2012 (O&M) 2 caused huge

losses to them. The complainant farmers approached the accused and requested them to redress their grievances, but they flatly refused to do so.

2. Leveling a variety of allegations and narrating the sequence of events, in detail in all, according to the complainant-farmers that the the petitioners, who are proprietors of M/s Anttal Agro Seeds, prepared the spurious seeds, cheated them, misappropriated their amount on false promise of high yield of paddy and caused huge losses to them. In the background of these allegations and in the wake of complaint of the complainant-farmers, a criminal case was registered against the petitioners-accused and others, by virtue of FIR No.50 dated 25.10.2012, on accusation of having committed an offence punishable under section 420 IPC by the police of Police Station Nandgarh, District Bathinda, in the manner depicted here-in-above.

3. Having exercised and remained unsuccessful of their right before the Additional Sessions Judge, not the petitioners have preferred the present petition for anticipatory bail in the indicated criminal case, invoking the provisions of section 438 Cr.PC.

4. After hearing the learned counsel for the petitioners, going through the record with his valuable help and after considering the entire matter deeply, to my mind, there is no merit in the instant petition in this context.

5. Ex facie, the argument of learned counsel that since the petitioners have been falsely implicated, so, they are entitled to the concession of anticipatory bail, is not only devoid of merit but misplaced CRM not M-38824 of 2012 (O&M) 3 as well.

6. As is evident from the record, that petitioners are sole proprietors of M/s Anttal Agro Seeds (manufacturer). They prepared the spurious paddy seeds and supplied to the complainant farmers through their representatives by making false promise of high yield. In this manner, they cheated the complainant farmers. The mere fact that the representatives of the petitioners were allowed bail, who supplied the seeds in the same very packets and manner, which were supplied to them by the manufacturer, ipso facto, is not a ground, muchless cogent, to grant same concession of anticipatory bail to the petitioners, who are manufacturer and

prepared the fake seeds of paddy.

7. As the modus operandi and manner of preparation of spurious seeds is yet to be ascertained by the police, therefore, to me, their custodial interrogation is essential. If they are allowed the benefit of anticipatory bail, then, the recovery of such other fake seeds and their involvement in similar scams and effective investigation is not possible, which would naturally adversely affect & weaken the case of the prosecution. Moreover, the order of anticipatory bail cannot be allowed to circumvent normal procedure of arrest, recovery of fake seeds from the petitioners and investigation by the police. The Court has also to see that the investigation is in the province of the police and an order of anticipatory bail should not operate as an in-road into the statutory investigational powers of the police, in exercising the judicial discretion in granting the anticipatory bail. At the same time, the Court should not be unmindful of the difficulties likely to be faced by the investigating CRM not M-38824 of 2012 (O&M) 4 agency and the public interest likely to be affected thereby.

8. In the light of aforesaid reasons and without commenting further anything on merits, lest it may prejudice the case of either side during the course of trial of main case, the present petition filed by the petitioners is hereby dismissed in the obtaining circumstances of the case.

9. Needless to mention that nothing observed, here-in-above, would reflect, on the merits of the case, in any manner, during the course of trial, as the same has been so recorded for a limited purpose of deciding the instant petition in this relevant direction. 10.12.2012 (Mehinder Singh Sullar) AS Judge

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