

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.**

CRM-M No.21382 of 2015 (O&M).

Date of Decision: July 09, 2015.

Anil Kumar

....Petitioner.

VERSUS

The State of Haryana

....Respondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. Jagdish Manchanda, Advocate for the petitioner.

Ms. Mahima, Assistant Advocate General, Haryana
assisted with Assistant Sub Inspector Bahadur Singh.

SNEH PRASHAR, J.

A petition under Section 438 of the Code of Criminal Procedure (in short, "Cr.P.C.") for grant of anticipatory bail was filed by the petitioner in case First Information Report No.487 dated 09.06.2015 under Section 4 of Medical Termination of Pregnancy Act, 1971, 18(c), 27 of Drugs and Cosmetics Act, 1940 registered at Police Station City, Karnal.

Based on a letter No.M.T.P.-15/447 dated 09.06.2015 received from the Office of Civil Surgeon, Karnal, the instant case, particulars of which have been mentioned above, was registered against the petitioner.

The allegations against him were that on 09.06.2015 a team comprising of

Dr. Rajender Kumar, Deputy Civil Surgeon (F.W.), Karnal and Gurcharan Singh, Drugs Control Officer, Karnal, raided the premises of M/s Paryag Medical Store, Shop No.1, situated at Subhash Gate, Karnal, being run by him. The raid was conducted in connection with a secret information that he was illegally selling Medical Termination Of Pregnancy Kit (for short, "MTP kit") and Harsh Chander Singh, Class-IV employee of the Office of Deputy Surgeon (F.W.) was sent as a decoy customer for purchase of the MTP kit and he (petitioner) being present at the shop sold the kit to him for a sum of Rs.450/-. When the team conducted the raid the petitioner failed to produce the sale/purchase record of the prohibited medicine. The entire proceedings conducted at the shop were videographed. One Surender Dhamija was joined as a witness to the proceedings.

Heard the submissions made by Mr. Jagdish Manchanda, learned counsel representing the petitioner and Ms. Mahima, learned Assistant Advocate General, representing the State of Haryana.

Learned counsel for the petitioner argued that the firm, of which the petitioner is a partner, is running the Medical Sotre after obtaining required licence from the competent authority. He was joined as a partner of the firm in 2006 and there had never been any complaint against him. Although his shop was searched but the raiding party had found no prohibited medicine stored in his shop as nothing such was mentioned in the seizure memo. Submitting that the petitioner is innocent and nothing remains to be recovered from him, learned counsel sought his release on anticipatory bail.

The petition was opposed by learned Assistant Advocate General, Haryana. She submitted that the racket that sells prohibited medicines is to unearthed and the money paid to the petitioner by the decoy customer is to be recovered from him.

There is specific allegation against the petitioner that he being present at the shop had sold the MTP kit to the decoy customer sent by the raiding party. It is also the allegation that he had denied to put his signatures on the seizure memo intentionally. Sale of such prohibited medicine is a serious offence which needs to be curbed strongly. Also, prima facie there was intentional breach of provisions of law on part of the petitioner.

Thus, in view of the facts and circumstances and without going into the merits of the case, in my considered opinion, no case for release of the petitioner on anticipatory bail is made out and the petition is dismissed.

(SNEH PRASHAR)
JUDGE

July 09, 2015
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