

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

CRM-M-34915-2015

Date of decision: 10.12.2015

Manish Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. P.P.S. Doabia, Advocate
for the petitioner.

Mr. Vikas Chopra, DAG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks pre-arrest bail in FIR No.45 dated 08.04.2015 under Sections 15 (2), 15 (3) of the Indian Medical Council Act and Sections 420, 120-B IPC, registered at Police Station Raipur Rani, District Panchkula.

Notice of motion was issued and interim protection was granted.

Learned counsel for the petitioner submits that in compliance of the order passed by this Court, petitioner has joined the investigation and he has also cooperated with the investigating agency. Whatever documents were available with the petitioner, he has attached with the instant petition itself and copy thereof has been supplied to learned counsel for the State as well. Nothing more is in possession of the petitioner which might be sought to be recovered. He prays for allowing the present petition.

On the other hand, learned counsel for the State, on instructions from SI Rameshwar Nand, Police Station Raipur Rani, Panchkukla, submits that although the petitioner has joined the investigation but he did not

cooperate with the investigating agency in getting the recovery effected. Documents are yet to be recovered from the petitioner which might show that he was entitled to do the practice in which he was found indulging. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after careful perusal of the record of the case, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case, petitioner has been found entitled for the concession of anticipatory bail, at the hands of this Court. It is a matter of record that petitioner has attached the documents with the present petition on which he has placed reliance. It is also not in dispute that copy of the complete petition has been supplied to learned counsel for the State. Further, learned counsel for the State could not point out any particular document which is yet to be recovered from the petitioner. In such a situation, custodial interrogation of the petitioner would not be required any further.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the case of either side at a later point of time, instant petition is allowed and the order dated 05.11.2015 passed by this Court, is hereby made absolute, however, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

10.12.2015
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