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

C.R.M-M No.8145 of 2015

Date of Decision : 27.11.2015

Smt. Kamlesh Jain and others

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Sandeep Jasuja, Advocate
for the petitioners.

Ms. Tanushree Gupta, D.A.G., Haryana.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This is a petition for grant of pre-arrest bail to the petitioner under Section 438 Cr.P.C. in case FIR No.129 dated 17.02.2011, registered under Sections 420, 467, 468, 471 IPC, at Police Station Civil Lines, Karnal.

On 13.03.2015 the following order was passed:-

“Contends that the petitioners were manufacturing the said drugs under licence and even the drugs had passed the analytical test and thus no criminality would be attracted in these circumstances.

Notice of motion for 30.4.2015.

In the meantime, the arrest of the petitioners shall remain stayed subject to the following conditions :-

- i) They will make themselves available for investigation as and when required to do so.*
- ii) They will not leave the country without the prior permission of the Court.*
- iii) They will not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police official”.*

Thereafter on 30.04.2015 the following order was passed:-

“Learned counsel appearing for the respondent states that the petitioners have not joined the investigation.

The offence against the petitioners is serious as they are supposed to have fabricated a letter of the Director General of Health Services, Nariman Bhawan, New Delhi permitting them to manufacture two of the drugs mentioned in the FIR.. A specific clarification has been given by the said authority that no such permission has been granted in Form 46 for manufacturing the said drugs to the firm of the petitioners, However, before this court forms any further opinion deems it appropriate to give one opportunity to the petitioners to be present before the Investigating Officer on 11.5.2015 at 10.00 A.M.

Adjourned to 17.7.2015.”

However, today as regards petitioner No.1, learned counsel for the petitioners has stated that he was not the Director on the date licence was obtained.

Learned Deputy Advocate General on instructions from S.I.

Khila Ram has accepted this fact.

In these circumstances, without going into the merits of the case, I do not deem it appropriate to deny the concession of anticipatory bail to petitioner No.1.

Resultantly, the petition is allowed qua petitioner No.1. The interim order dated 13.03.2015 is made absolute.

As regards petitioners No.2 and 3, learned counsel for the petitioners has admitted that on the date of the licence they were the two directors and owners of the said company.

In the circumstances, the petition is dismissed qua petitioners No.2 and 3.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

November 27, 2015

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**(AJAY TEWARI)
JUDGE**