

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: January 08, 2015

+ BAIL APPLN. 24/2015 & CrI. M.A. No.201/2015
SHISH PAL @ SHISHUPAL SHARMA Petitioner
Through: Mr. Ashok Dalal, Advocate

versus

THE STATE (NCT OF DELHI) Respondent
Through: Mr. Naveen Sharma, Additional
Public Prosecutor for State with SI
M. Prasad

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

% **JUDGMENT**
(ORAL)

Petitioner seeks pre-arrest bail in FIR No. 504/2013, under Section 27 of the Delhi Medical Council Act and Section 304 of the IPC, registered at police station Begumpur, Delhi.

The case set up against petitioner is that he is running a hospital in the name of Sharma Hospital without any medical degree and is giving injections to the patients, who come there and is hazardous to the society at large. Son of the complainant, who was aged five years, was taken to the petitioner on 27th March, 2011 for treatment and as per the prosecution, he had instructed his Assistant to give an injection and soon thereafter, son of complainant had died.

At the hearing, learned counsel for petitioner had submitted that petitioner is not a doctor but is a mere compounder and has a certificate

issued by Dr. Surjit and complainant has already given an affidavit to the effect that petitioner was not at fault and so, petitioner deserves concession of pre-arrest bail.

Upon Notice, learned Additional Public Prosecutor for respondent-State submits that petitioner has been rightly declined bail by the learned Additional Sessions Judge vide order of 26th December, 2014 wherein not only factual background of this case but it is also noted that the clinic of the applicant was closed pursuant to the action taken by the Delhi Medical Council and now petitioner has again clandestinely started running that clinic.

Upon hearing and on perusal of the FIR of this case and the material on record, I find that gravity of offence is such which disentitles petitioner to the concession of pre-arrest bail. Complainant's affidavit is of no avail in background of the facts and because petitioner has not come forward with any certificate allegedly issued by Dr. Surjit certifying that petitioner to be his compounder. Otherwise also, custodial investigation of petitioner is required for effective investigation.

In view of aforesaid, the above captioned applications are dismissed with direction that petitioner be taken into custody forthwith. It is made clear that any observations made in this order shall not stand in the way of petitioner as and when he seeks regular bail.

(SUNIL GAUR)
JUDGE

JANUARY 08, 2015

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