

Sr. No. 223

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

**CRM No. M-10506 of 2016 (O&M)
Date of Decision: 02.05.2016**

Mohd. Murad Shaer Zadeh

...Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. D.S.Sobti, Advocate for
Mr. Harkesh Manuja, Advocate,
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

TEJINDER SINGH DHINDSA. J (ORAL)

Petitioner seeks concession of regular bail pending trial in a complaint case bearing No.13 dated 09.07.2015, filed under Sections 18-A, 18-C, punishable under Section 28 and Section 27(b) (ii) of the Drugs and Cosmetics Act 1940 titled as State Vs. Anurag and others.

Counsel for the parties have been heard.

Briefly noticed a complaint was filed at the instance of Drugs Control Officer, FDA, Panipat. Allegations against the petitioner were that he was manufacturing products containing nicotine without possessing license under the Drugs and Cosmetics Act, 1940.

Petitioner was summoned under Section 18-C of the Act

and he surrendered on 20.07.2012 and upon having moved an application for bail was granted concession on the same very day on furnishing the requisite bail bonds.

Undisputedly, the petitioner thereafter filed numerous exemption applications citing ill-health of his father as also of his son.

Finally, an application for personal appearance was dismissed by the trial Court in the light of order dated 15.10.2015 and the petitioner having failed to appear before the trial Court, bail bonds were cancelled and warrants of arrest were issued.

Petitioner preferred CRM No.M-2296 of 2016 in this Court seeking concession of anticipatory bail. The same was declined on 01.03.2016. However, an undertaking furnished by the counsel was taken note that petitioner would duly surrender before the trial Court within a period of one week and if thereafter an application seeking bail is filed, hearing in the same was directed to be expedited.

Suffice it to notice that petitioner duly surrendered and has been in custody since 09.03.2016. Application seeking regular bail stands declined by the Court below.

This court is constrained to observe that the conduct of the petitioner has not been above board.

Be that as it may, the petitioner stands summoned in relation to an offence which is bailable. He has faced incarceration now for a period of almost two months. Trial is still at the initial stage and would take time to conclude.

Without making any observations on merits, prayer made in the instant petition is accepted.

Petitioner be enlarged on bail subject to satisfaction of the
trial Court/Duty Magistrate, Panipat.

Petitioner disposed of.

02.05.2016

vandana

(TEJINDER SINGH DHINDSA)
JUDGE