

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH

CRM-M No.20945 of 2016
Date of Decision.17.06.2016

Chander Pal

.....Petitioner

Vs.

State of Haryana

.....Respondent

Present: Mr. Munish Mittal, Advocate
for the petitioner.

Mr. Siddharth Sanwaria, DAG, Haryana.

CORAM:HON'BLE MR. JUSTICE AMIT RAWAL

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?

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AMIT RAWAL J. (ORAL)

The counsel for the petitioner contends that for the offence committed by the petitioner, FIR could have been lodged under Section 32 of the Drugs and Cosmetics Act and not under Section 15(2)(3) of the Indian Medical Council Act, 1956 and Section 420 IPC.

Learned counsel for the respondent-State states that the petitioner is not a registered medical practitioner and is not authorized to prescribe the medicines or running a clinic.

I have heard learned counsel for the parties and appraised the paper book and the judgment cited by the counsel for the petitioner in **Dr. Barinder Singh, President, Ludhiana Medical Welfare Association Vs. State of Punjab and others 2009(5) RCR (Criminal) 565** wherein the Division Bench of this Court has issued certain directions to the States of Punjab, Haryana and U.T. Chandigarh, authorizing all the Civil Surgeons to

file complaints for offences under Section 15(3) of the Indian Medical Council Act and Section 32 of Drugs and Cosmetics Act, which are non-cognizable offences.

Having regard to the aforementioned facts, I am of the view that the petitioner should be granted concession of anticipatory bail under Section 438 Cr.P.C. In the event of arrest of the petitioner, he shall be released on bail to the satisfaction of the Arresting Officer, subject to the conditions contained in Section 438(2) Cr.P.C and he will join the investigation as and when required.

The crl. misc. petition is allowed.

(AMIT RAWAL)
JUDGE

June 17, 2016
Pankaj*