

CRM No. M-31816 of 2016

DECIDED ON: SEPTEMBER 20, 2016

RAJ KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Yash Dev Kaushik, Advocate
for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana.

JASPAL SINGH, J (ORAL)

By virtue of this petition preferred under Section 438 Cr.P.C. petitioner has sought pre-arrest bail in a case bearing FIR No. 211 dated 20.08.2016 under Section 420 IPC, Section 18(C) and 27 of Drugs and Consmetics Act, 1940 and Section 15 (2) (B) and 15 (3) of Indian Medical Council Act registered at Police Station Hassanpur, District Palwal.

The instant case stands registered on the basis of complaint made by Dr. J.P. Parshad on the allegations that on August 20, 2016 at 12.40 PM he being a Nodal Officer, PNDDT alongwith Dr. Praveen Kumar, Senior Medical Officer, Dudhola and some police officials raided the clinic of Dr. Raj Kumar son of Desh Raj. On coming to know about the raid, Dr. Raj Kumar left his clinic. On inspection, Glucose bottles, needles, syringes, medicines and

instruments were recovered from his clinic. He further alleged that in a complaint written by Mahesh son of Chander Pal resident of Bhiduki, he alleged that Dr. Raj Kumar was not possessing any degree or diploma. Dr. Raj Kumar refused to appear before the raiding team and also refused to produce his degree/diploma or the receipt for the purchase of medicines.

The contention of learned counsel for the petitioner is that petitioner being a Member Panchyat of village Bidhuki has been falsely implicated in the instant case at the instance of Mahesh. In fact wife of Mahesh has contested the election of Block Samiti but defeated. He further submits that petitioner has neither been engaged in medical practice nor he has having any clinic in the village or anywhere else. Moreover, no recovery has been effected from him. He is also ready to join the investigation and undertakes to abide by all the terms and conditions imposed by this Court, in case he is granted the concession of pre-arrest bail.

On the other hand, learned State counsel has strongly opposed the petition submitting that petitioner was running a clinic without having any degree/diploma. Thus, petitioner does not deserve the concession of anticipatory bail.

This Court has given an anxious thought to the rival submissions made by learned counsel for the parties and has gone through the record.

Allegations against the petitioner are that he was running a clinic without having any degree/diploma and at the time of raid, he fled away from the spot. Not only this, when he was contacted on his phone he refused to appear before the raiding party. Various articles, which were being used by the petitioner were recovered from his clinic. The details of the articles finds mention in the recovery memo. Running of medical clinic without degree or

diploma is to play with the life of the members of the society and inhabitants of the area.

Keeping in view the gravity of offence complained of against the petitioner, this Court is of the considered view that petitioner does not deserve the concession of pre-arrest bail. Rather his custodial interrogation is required to unearth all the ramifications involved in this case.

In the light of what has been discussed above, this Court does not find any merit in the instant petition. As such, the same is dismissed.

SEPTEMBER 20, 2016
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(JASPAL SINGH)
JUDGE

Whether Speaking/Reasoned *Yes/No*

Whether Reportable *Yes/No*