

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-1927 of 2017

Date of Decision: 28.02.2017

Kulwant Singh

....Petitioner

VERSUS

State of Haryana

....Respondent

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. R.S. Bajwa, Advocate
for the petitioner.

Mr. Chetan Sharam, A.A.G., Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 1019 dated 23.09.2016 registered for offences punishable under Sections 3, 4, 5 of Medical Termination of Pregnancy Act; 15 (2), 15 (3) of Indian Medical Council Act; 18 (c), 18 (a) of Drugs and Cosmetics Act; and 420/336 of Indian Penal Code (for short 'IPC'), at Police Station Chandni Bagh Panipat, District Panipat.

Heard.

The petitioner was arrested by the police on 23.09.2016 while selling medical termination of pregnancy kit and other allopathic medicines and instruments without having any licence. Allegation against him is that he was practicing as a doctor without possessing any medical degree or registration.

After completion of investigation challan has already been presented against the petitioner. Trial is in progress.

In view of allegations levelled in the FIR but without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Kulwant Singh is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate alongwith an undertaking that he will not practice as a doctor without possessing a valid registration and qualification, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

February 28, 2017
jk

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No