

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH.**

**Crl. Misc. No.M- 21440 of 2017 (O&M)
Date of Decision: August 01, 2017**

Satpal

.....PETITIONER(s).

VERSUS

State of Haryana

...RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sukhdeep Parmar, Advocate
for the petitioner (s).

Mr. Ashish Yadav, Addl. A.G., Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No. 329 dated 11.05.2017 registered for the offences punishable under Sections 2(D), 3, 4, 5 of the Medical Termination of Pregnancy Act, 1987, 15(2), 15(3) of Indian Medical Council Act, 1955, 18(A), 18(C) of Drugs and Cosmetics Act and 336, 417, 420 of Indian Penal Code at Police Station Samalkha, District Panipat.

Heard.

Allegations against the petitioner is that he was found in possession of 33 types of allopathic medicines, but he could not produce any license or certificate for possession of the same.

Learned counsel for the petitioner submits that the petitioner is

a doctor, who has passed GAMS exam from R.P.R.K.D., Ayurvedic Medical College and Hospital, Fatuha, Patna (Bihar). As per the notification of the State Government a persons who are registered in Indian system of Medicine shall be eligible to prescribe modern system of medicine

Learned State counsel on instructions from SI Jaivir Singh submits that the police is verifying all the facts and the investigation is in progress, but custodial interrogation of petitioner is no more required.

In view of submission of learned State counsel but without expressing any opinion on the merits of the case, this petition is allowed and the order dated 09.06.2017 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court.

August 01, 2017
Jyoti-II

(SURINDER GUPTA)
JUDGE

Whether speaking/reasoned: ***Yes/No***

Whether Reportable: ***Yes/No***