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

CRM-M-29135 of 2016 (O&M)

Date of decision: July 12, 2017

Virender Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE A.B. CHAUDHARI

Present: Mr. Bijender Dhankhar, Advocate the petitioner.

Mr. Chetan Sharma, AAG Haryana.

A.B. CHAUDHARI, J (Oral)

Heard learned counsel for the rival parties.

In FIR No.60 dated 04.02.2016, under Sections 3, 4 of the M.T.P. Act, registered at Police Station Jhajjar, District Jhajjar, the petitioner seeks anticipatory bail. This Court had made an order dated 30.08.2016 granting *ad interim* anticipatory bail to the petitioner.

Petitioner, though, may have the qualification to perform normal deliveries being an Ayuvedic doctor as per Government notification, he could not have indulged into keeping the drugs etc. for performing MTP.

Learned State counsel has vehemently opposed the petition for anticipatory bail and invited my attention to Para 2 of the affidavit dated 13.05.2017 accompanied by the expert opinion by Doctor Kanika and Dr. Saroj Dahiya.

I have perused expert report as well as affidavit. Upon

hearing the learned counsel for the rival parties, I find that the expert report itself shows that the said medicine could be used for cervical softening, dilatation and endometrial decidual degeneration. The expert opinion thus, shows that the question about the petitioner having the possession of those drugs is highly debatable. The petitioner would be therefore, entitled to grant of anticipatory bail. However, I find that the petitioner should be directed to join investigation as and when necessary.

In that view of the matter, interim order dated 30.08.2016 granting *ad interim* anticipatory bail to the petitioner, is made absolute. Petitioner is directed to join investigation as and when required by the Investigating Officer.

Petition stands disposed of, accordingly.

(A.B. CHAUDHARI)
JUDGE

July 12, 2017

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No