

Sr. NO. 206

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

CRM-M-3855 of 2017

Date of decision: 28.02.2017

Sahid Ali Qureshi

.....Petitioner(s)

versus

State of Haryana

.....Respondent(s)

Coram: Hon'ble Mrs. Justice Lisa Gill

Present: Mr. P.S.Ahluwalia, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

Lisa Gill, J.(Oral)

The petitioner prays for grant of bail pending trial in FIR No. 0031 dated 07.01.2017 registered under Sections 312, 315, 420, 467, 468, 471, 120-B Indian Penal Code(for short, 'IPC'), 18-A and 28 of the Drugs and Cosmetic Act, 1940(for short, 'Drugs Act') Sections 3, 4, 5 of the Medical Termination of Pregnancy Act, 1971(for short, 'MTP Act') and Section 15 of the Indian Medical Council Act, 1956(for short, 'the IMC Act') at Police Station Sector 5, Gurgaon.

Learned counsel for the petitioner submits that even if the best case of the prosecution is accepted, the petitioner at best is liable to be proceeded against under Section 5(4) of the MTP Act, Section 15 of the IMC Act and Section 18-A of the Drugs Act. He further submits that under the IMC Act as well as the Drugs Act only a complaint is maintainable. He relies upon a Division Bench Judgment of this Court in the case of *Dr. Varinder Singh vs. State of Punjab and others* 2009(5) RCR(Criminal) 565. It is submitted that petitioner is in custody since 7.01.2017. No recoveries

are to be effected from the petitioner. Thus, it is prayed that this petition be allowed.

Learned State counsel on instructions from ASI Rajesh, Police Station Sector-5, Gurgaon submits that challan/final report against the petitioner has been prepared and is likely to be presented soon. The other co-accused Ramesh Kumar has been arrested on 24.02.2017 and is in custody.

I have heard learned counsel for the parties.

It is not in dispute that the final report under Section 173 Cr.P.C. against the petitioner has been prepared. No recoveries are to be effected from the petitioner who is in custody since 7.01.2017. The trial of the case is not likely to be concluded very soon. There are no allegations on behalf of the State that petitioner is likely to abscond, if released on bail or . that he is likely to influence any of the witnesses. No useful purpose shall be solved by keeping the petitioner incarcerated any longer.

Keeping in view the facts and circumstances noted above but without expressing any opinion on the merits of the case, it is considered just and expedient to allow this petition.

Consequently, the petitioner shall be released on bail pending trail subject to his furnishing requisite bail bonds and surety bonds to the satisfaction of the learned CJM Gurgaon.

28th February, 2017
Shivani Kaushik

[LISA GILL]
JUDGE

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No