

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

**CRM-M-18581 of 2017 (O&M)
Date of Decision: February 21, 2018**

Paramjit Singh

...Petitioner

Versus

State of Punjab

..Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Anmol Rattan Sidhu, Senior Advocate
with Mr. Raghav Gulati, Advocate
for the petitioner.

Mr. B.S. Sewak, Addl. A.G. Punjab.

FATEH DEEP SINGH, J.

The allegations against the petitioner-Paramjit Singh in this second regular bail application under Section 439 Cr.P.C are that the petitioner was instrumental in selling artificial plasma which was adulterated as well as spurious and which was as a consequence of contractual obligation entered by one Dilbagh Singh, Incharge of Blood Bank at Adesh Hospital, Bhuchio Khurd, Bathinda with Zahir Vohra working in Reliance Life Sciences Pvt. Ltd. Gujarat for the supply of blood plasma. It was on the basis of secret information on 13.6.2016 the Police apprehended accused and recovered 21752 pouches of spurious plasma and money being the sale proceed along with pumps used to fill pouches with spurious blood plasma as well as empty bags of the same leading to arrest of the petitioner on 13.6.2016.

Learned counsel for the petitioner has laid much stress on the fact that petitioner is behind the bars since more than one and a half years and has no role to play in the commission of offence and has sought to rake up the plea that offence under Section 27 of the Drugs and Cosmetic Act, 1940 (in short, 'the Act') was not made out and that substantial incarceration has already been undergone by the petitioner.

Learned State counsel has opposed the grant of bail on the grounds that seriousness of allegations, whereby, petitioner was instrumental in manufacturing and sale of spurious plasma endangering the life of innumerable persons and there was strong circumstance regarding recovery of cash from the petitioner being the sale proceeds. Arguing further that if allowed bail, the petitioner would influence the witnesses and stifle fair trial.

Appreciating the submissions of the two sides, allegations are that accused Zahir Vohra, working as Senior Manager in Reliance Life Sciences, Pvt. Ltd., Gujarat had entered into a criminal conspiracy with co-accused/Dilbagh Singh, who was Incharge of blood bank of Adesh Hospital and the petitioner for the supply of certain units of this plasma and for which payments have been duly made through bank. From the possession of the petitioner pumps used for filling plasma in the pouches and filled pouches as well as empty artificial/spurious plasma have been recovered along with sale proceeds. The previous bail application of the petitioner was declined vide orders dated 24.3.2017 of this Court. Learned counsel for the petitioner could not point out what fresh ground has arisen in this bail application and mere period of incarceration is not an

extenuating circumstance. Furthermore, since there are allegations of commission of offence under Section 27 of the Act and it is not the case of the petitioner that he happens to acquire commodity in question from duly licensed manufacturer or was distributor nor was able to ascertain its nature and in view of the embargo placed by Section 18 of the Act and the punishment prescribed for commission of offence under Section 27 of the Act, together with the fact that apprehension of the State that if allowed bail, the petitioner would stifle the fair trial is not unfounded. Thus, no ground to allow the present application is made out.

Dismissed.

(FATEH DEEP SINGH)
JUDGE

February 21, 2018
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No