

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

CRM-M-28807-2017

Date of decision:-23.2.2018

Bijender Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Present: Mr.J.S. Hooda, Advocate
for the petitioner.

Mr.Neeraj Poswal, AAG, Haryana.

H.S. MADAAN, J.

This petition under Section 438 Cr.P.C. for pre-arrest bail has been filed by the petitioner – Bijender Singh, an accused in FIR No.283 dated 24.7.2017, under Sections 336, 420 IPC and Section 15(2) & (3) of Indian Medical Council Act, registered at Police Station Hathin, District Palwal.

Briefly stated, facts of the case as per prosecution story are that on 27.6.2017, a team from Health Department raided premises of M/s Krishna Hospital and Trauma Centre near Sehrawat College, Palwal Road, Hathin since report had been received that it was being run

illegally; that the team came across one Bijender Singh, who represented that he was Director of the said hospital; that after some time Dr.Amit Sharma arrived there; that he showed his BAMS registration certificate duly registered in UP but he was unable to show any BAMS registration certificate from Haryana; that Bijender Singh was unable to show valid documents; that besides name of Dr.Amit Sharma, names of other doctors were written on the board but none of them was present at the time of raid; that the record of the hospital was found to be incomplete and discrepant, as such it came out that Bijender Singh was running the hospital illegally and no expert doctor was working there. The hospital building was sealed. A show cause notice had been issued to Bijender Singh to which he had filed reply. It was found that Bijender Singh himself was doing practice by using names of the doctors playing with lives of poor people. After registration of the FIR, the matter was investigated.

Apprehending his arrest in this case, the petitioner had approached the Court of Sessions seeking grant of pre-arrest bail by filing an application, however, his such request was declined by learned Additional Sessions Judge, Palwal vide order dated 1.8.2017. As such, the petitioner has approached this Court asking for similar relief.

Notice of the petition was given to respondent – State, which put in appearance through counsel.

I have heard learned counsel for the parties besides going through the records.

Learned counsel for the petitioner stated that the case is based

upon documentary evidence, which have been taken into possession by the investigating agency; that custodial interrogation of the petitioner is not required; that the petitioner has already joined the investigation, therefore, pre-arrest bail be granted to the petitioner.

Whereas the request is being opposed by learned State counsel, who states that the petitioner has not cooperated with the investigating agency fully and has not told the entire factual position. The complete record has also not been shown, therefore, custodial interrogation of the petitioner is required.

After hearing the rival contentions, I find that the allegations against the petitioner are very serious and grave. He is said to have been running a hospital without having a competent doctor and paraphernalia as well as infrastructure, in that way putting the lives of innocent persons in danger. Though the petitioner has joined the investigation but as stated by the State counsel he has not cooperated therein.

In case of *State represented by the C.B.I. Versus Anil Sharma, 1997(4) R.C.R.(Criminal) 268*, Hon'ble Apex Court had observed that custodial interrogation is qualitatively more elicitation orientated than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful informations.

Custodial interrogation of the petitioner is definitely required for complete and effective investigation. In case custodial interrogation of the petitioner is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being

carried out adversely which is not called for.

Thus finding no merit in the petition, the same stands dismissed.

23.2.2018
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No