

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

Criminal Misc. No.M- 48203 of 2017(O&M)

Date of Decision: January 8 , 2018.

Ashok Kumar

..... PETITIONER (s)

Versus

State of Haryana

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Shiv Raj Malik, Advocate
for the petitioner.

Mr. Sanjay K.Saini, AAG, Haryana.

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

LISA GILL, J.

The petitioner prays for bail pending trial in FIR No.0448 dated 17.11.2017 under Sections 18A/27 of the Drugs and Cosmetics Act, 1940, Sections 313/315 IPC, Sections 3/4/5 of the Medical Termination of Pregnancy Act, 1971 and Sections 15(2)/15(3) of the Indian Medical Council Act, 1956, registered at Police Station Dadri City, District Charkhi Dadri.

It is submitted that no offence punishable under Sections 3/4/5 of the Medical Termination of Pregnancy Act, 1971 is made out against the

petitioner. The aforementioned FIR under the Drugs and Cosmetics Act, 1940, it is submitted, could not have been registered. As per the allegations in the FIR, the petitioner was apprehended while selling a MTP kit to a decoy customer. The final report under Section 173 Cr.P.C., it is submitted, has since been presented. It is submitted that the petitioner is not involved in any other criminal case. It is thus prayed that this petition be allowed.

Learned counsel for the State, on instructions from HC Upender Kumar, verifies that the petitioner is not involved in any other criminal case and final report under Section 173 Cr.P.C. has been submitted.

There are no allegations on behalf of the State that the petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts before the Court, if released on bail.

Keeping in view the facts and circumstances of the case but without commenting upon or expressing any opinion on the merits thereof, this petition filed by Ashok Kumar is allowed. The petitioner be released on bail pending trial subject to his furnishing requisite bail bonds and surety to the satisfaction of the learned Trial Court.

It is clarified that none of the observations made hereinabove shall be construed to be a reflection on the merits of the case. The same are solely confined for the purpose of decision of the present petition.

(LISA GILL)
JUDGE

January 08 , 2018.
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No