

Sr. No.212

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

CRM No. M-80 of 2018 (O&M)

Date of Decision: 29.01.2018

Monu

... Petitioner

Versus

State of Punjab

... Respondent

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Ashish Grover, Advocate,
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.(ORAL)

This order shall dispose of the instant petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail in case FIR No.300 dated 17.12.2017, under Sections 61/1/14 of the Punjab Excise Act, 1914 and Section 15 of Indian Medical Council Act, registered at Police Station Sangat, District Bathinda.

As per prosecution version, a tempo was intercepted on 17.12.2017. Driver of the tempo, namely, Vicky Kumar and the person sitting on the passenger side, namely, Dharminder Kumar were arrested on the spot. Alleged recovery from the backside of the tempo was of 24 bottles of 'Desi liquor' and of 09 cardboard boxes, each box containing 25 stripes of 'Triser Tablets'.

Present petitioner was not arrested on the spot. He is alleged to have run away from the spot and is sought to be nominated on the statement of the co-accused, namely, Vicky

Kumar and Dharminder Kumar.

Counsel would place reliance upon a Division Bench Judgment of this Court in ***Dr. Barinder Singh Vs. State of Punjab and others 2009 (4) R.C.R. (Civil) 117*** to contend that offence under Section 15(3) of the Indian Medical Council Act is a non-cognizable offence and only a complaint at the hands of the competent authority was maintainable.

Learned State counsel upon instructions from HC Ranjit Singh apprises the Court that in pursuance to the notice of motion order dated 05.01.2018, petitioner has already joined investigation. That apart co-accused Vicky Kumar and Dharminder Kumar have been granted benefit of regular bail.

In view of the above, prayer made in the instant petition is accepted.

Order dated 05.01.2018, passed by this Court is made absolute.

Disposed of.

29.01.2018

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**

Whether speaking/reasoned

Yes

Whether Reportable

No