

**In the High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-7145-2019 (O&M)
Date of Decision:- 22.5.2019

Dinesh Shah Kadri @ Dinesh Singh Gill ... Petitioner

Versus

State of Punjab ... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Chanakya Batta, Advocate, for the petitioner.

Mr. Randhir Singh Thind, DAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. By way of filing this petition, the petitioner seeks grant of regular bail in respect of a case registered vide FIR No. 483, dated 4.11.2018, at Police Station City Barnala, District Barnala, under Sections 420, 307, 336 IPC and Section 15(2) of the Indian Medical Council Act.
2. The FIR was registered at the instance of Sukhdev Singh wherein it has been alleged that his son Harash Singh used to remain ill since childhood and upon coming to know that the same could be cured by some “Baba” at Channa, he got in touch with the accused who

requested him to lend an amount of ₹ 50,000/- and the complainant being influenced by the accused, lend the said amount. Subsequently, another amount of ₹ 1 lakh was also paid by the complainant to the accused for treatment of his son but later the accused/petitioner-Dinesh Shah Kadri stopped receiving the calls made by the complainant and did not even return the amount. During the course of inquiry, the police recorded statement of certain persons to the effect that the petitioner was a quack and was playing with the lives of the people whom he used to treat at nursing home. It is also the case of prosecution that during inquiry it transpired that the accused had removed uterus of one Harjit Kaur and had also performed incorrect surgical procedure upon one Amarjit Kaur.

3. Learned counsel for the petitioner has submitted that although in the FIR offence under Section 307 IPC was also mentioned, but now at the stage of consideration of charges, the learned Court of Additional Sessions Judge has found that it is only an offence under Section 420 IPC and offence under Section 52 of Indian Medical Council Act which is *prima facie* made out and the accused had been directed to be produced before the learned Chief Judicial Magistrate as no offence triable by the Court of Sessions was found to have been committed.
4. Learned State counsel could not dispute the aforesaid factual position. It has also been informed that the petitioner has been behind bars since the last about 6 months.

5. Having considered rival submissions addressed before this court and bearing in mind the fact that no offence under Section 307 IPC has been found to be made out and also that the petitioner has been behind bars since the last about 6 months, no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted. Petitioner Dinesh Shah Kadri @ Dinesh Singh Gill is ordered to be released on bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
6. This present petition stands accepted accordingly.

May 22, 2019

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No