

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

CRM-M-6391 of 2020

Date of decision: February 28, 2020

Anil Kumar

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr.S.S. Duhan, Advocate for the petitioner.
Mr.Paramjit Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J

Prayer in this second petition under Section 439 Cr.P.C. is for grant of bail pending trial to the petitioner in case FIR No. 353 dated 11.09.2019 under Sections 417, 420, 467, 468, 471, 34 IPC, and Sections 15 (2) and 15 (3) of Indian Medical Council Act, 1956, registered at Police Station Narnaund, District Hansi..

Brief facts of the case are that on 11.09.2019, a telephonic message was received that a raid is to be conducted in the clinic of the petitioner. Consequently, ASI Rawan Singh along with other police officials conducted a raid on A.K. Sharma Clinic Budana Road, Narnaud, where petitioner met them on the seat of the doctor; whereas Anil Kumar Sharma reached afterwards. Team of doctors inspected the spot, prepared spot memo and sealed the medicines with the seal of doctor. Upon which a case was registered against the petitioner and other accused.

Contends that the petitioner is in custody since 12.09.2019 and after framing of charges on 17.02.2020, case is pending for prosecution evidence. Also the contention that co-accused Anil Kumar Sharma has already been granted the concession of bail pending trial by learned Additional Sessions Judge, vide order dated 04.10.2019. Further contends that there is no other criminal case pending against the petitioner.

Learned State counsel on instructions from SI Vijay Pal has duly acknowledged the above factual position, but opposed the bail on the premise that learned trial Court has rightly rejected the application while observing that present case falls under the category of socio-economic offence.

Heard both sides and perused the paper book.

On asking of the Court, learned State counsel has failed to point out that offences alleged in the present case are falling under the category of socio-economic offences.

Investigation in this case is already over; charges were framed on 17.02.2020; trial is going on smoothly; there is no other case is pending against the petitioner. Since co-accused has already been granted bail; and trial is likely to take sufficient long time, therefore, further incarceration of the petitioner will not serve any purpose.

In view of the above, the reasoning given by learned trial Court is unsustainable. Consequently, the petition is allowed.

Petitioner is ordered to be released on bail on his furnishing bail bonds/ surety bonds to the satisfaction of the CJM/ Duty Magistrate, concerned.

However, it is made clear that above observations may not be construed as an expression of opinion on the merit of the case pending before learned trial Court.

February 28,2020
sanjay

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/ reasoned:	Yes/ No.
Whether Reportable:	Yes/No.