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

CRM-M No. 11687 of 2020

Date of Decision: 14.07.2020

Garja Singh Rathore and another

-Petitioners

Vs

State of Punjab

-Respondent

CORAM: *HON'BLE MR. JUSTICE RAJ MOHAN SINGH*

Present: Mr. P.S. Ahluwalia, Advocate,
for the petitioners.

Mr. H.S. Sullar, D.A.G., Punjab.

RAJ MOHAN SINGH, J. (Oral)

Petitioners seek grant of anticipatory bail in case bearing FIR No.27 dated 26.02.2020, registered under Section 328 of Indian Penal Code, 1860 and under Section 15(3) of Indian Medical Council Act, 1956 at Police Station Shambu, District Patiala, Punjab.

On 19.03.2020, following order was passed by this

Court:-

“Learned counsel for the petitioners contends that the manufacturer i.e. M/s Digital Vision has already been prosecuted at different places for preparing spurious drug. Different States have already banned the sale of “Cold Best-PC Syrup” manufactured by the aforesaid company. The offence under Section 328 IPC is not attracted as the said offence is related to harbouring the 'intention' to cause 'hurt' by way of 'poisoning' as well as having requisite knowledge that administering the same drug may likely to cause 'hurt'. No such allegation has been made in the FIR. Petitioner No.1 is a member of Medical Practitioners Association in Punjab having membership certificate dated 1.6.1997.

Notice of motion for 15.5.2020.

In the meanwhile, petitioners are directed to appear before the SHO/Investigating Officer to join investigation on 23.3.2020 at 11.00 a.m. and in the event of their arrest, they shall be enlarged on ad interim bail, on their furnishing requisite bail bonds/surety bonds subject to the satisfaction of Arresting Officer. However,

petitioners shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

Learned State counsel on instructions from ASI

Mohar Singh submits that in pursuance of aforesaid order, petitioners have joined the investigation and are no more required in further investigation of the case, therefore, order dated 19.03.2020 is made absolute. However, petitioners shall keep on joining the investigation as and when required to do so by the Investigating Officer.

July 14, 2020

Jyoti Sharma

(RAJ MOHAN SINGH)

JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No