

Sr. No.202

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

CRM-M-16025 of 2020 (O&M)

Date of Decision: 09.07.2020

Anil Sharma

...Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR. JUSTICE ARUN MONGA

Present:- Mr. Virender Kumar, Advocate,
for the petitioner.

Mr. Vikrant Pamboo, DAG Haryana.
(Presence marked through video conference)

ARUN MONGA, J. (ORAL)

1. The petitioner is seeking regular bail in FIR No. 38 dated 25.12.2019, registered under Sections 3 and 4 of Medical Termination of Pregnancy Act, 1971 and Sections 15(2), 15(3) of the Indian Medical Council Act, 1956 and Sections 312, 315, 318, 420 read with Section 34 IPC, Police Station City Safidon, District Jind.

2. As per allegations in the FIR, a team of Health Department conducted inspection of the hospital premises of the petitioner "Leelawati Hospital" and found that the petitioner, a BAMS Practitioner and other staff were indulging in conducting abortions at his place not approved by the Government for performing the same. As per allegations, the abortions were carried out on ladies, namely, Ritu, Anu and Kavita. It was also found that petitioner took handsome amount for conducting illegal abortions, which were being carried out through his staff. It was further mentioned in the FIR that the petitioner was not registered with Council of Indian Medicine, Haryana and was not authorized to practice in Haryana and still he cheated the people by

giving medicines for their treatment. During inspection, some scheduled drugs under Narcotic Drugs and Psychotropic Substances Act, without any license were recovered, for which a separate case under NDPS Act was registered against the petitioner.

3. Learned counsel for the petitioner submits present case has been registered on account of professional rivalry between the petitioner and other hospitals of the area. The petitioner is a Registered Medical Practitioner with duly authorization to run the clinic. According to him, the alleged inspection was carried out at the back of the petitioner, in a haste and without following the due procedure. Learned counsel for the petitioner has further referred to affidavits Annexures P-5 and P-6 sworn by Ritu and Kavita dated 27.01.2020 and 28.01.2020 respectively, to contend that both of them were pressurized by the team of Health Department and their signatures were obtained on blank papers and later used for manipulating their statements against the petitioner. As per deposition made in the affidavits, they have belied the prosecution case. Learned counsel further submits that petitioner is in custody since 07.03.2020, investigation is over and challan has already been given and trial would take long time to conclude on account of Covid-19 Pandemic.

4. On the other hand learned State counsel opposes the bail plea. According to him, the petitioner and his associates were indulged in cheating innocent people and conducted illegal abortions by charging hefty amounts, for which they were not authorized and that too at a place not approved by the Government to carry out abortions. According to him, some narcotic substances were also recovered from the premises of the petitioner, for which a separate case under NDPS Act has been registered. He, however, admits that investigation is over and challan has been presented.

5. The petitioner is in custody since 07.03.2020. The investigation is over and challan has been filed in the Court, but trial is yet to commence, as due to Covid-19 the Courts are working with restrictions and taking up only urgent matters. Custodial interrogation of the petitioner is no more required. The pleas of false implication as raised by the petitioner, *ibid*, can be adjudged only during the trial, which would take long time as the same has not even commence due to ongoing Covid-19 pandemic and is not likely to conclude soon and this Court would refrain on commenting thereupon. Without expressing any opinion on the merits of the case, petition is allowed. The petitioner shall be released on regular bail on his furnishing bail bonds and surety bonds to the satisfaction of Chief Judicial Magistrate/ Duty Magistrate, Jind, as the case may be. The petitioner will not try to influence/ contact the witnesses of the case.

(ARUN MONGA)
JUDGE

09.07.2020

Jiten

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No