

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

**CRM-M No.51309 of 2019
Date of Decision : 03.02.2020**

Kirti T. Shah and others

.....Petitioners

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present : Mr. Bipin Ghai, Senior Advocate assisted by
Mr. Paras Talwar, Advocate and
Mr. Suneet Kumar, Advocate
for the Petitioners.

Mr. Manish Bansal, Dy. A.G., Haryana assisted by
DCO Bhiwani-Hemant Grover.

SUDIP AHLUWALIA, J. (ORAL)

Reply by way of Affidavit of Drugs Control Officer,
Officer of Food and Drugs Administration, Govt. Hospital, Bhiwani
District Bhiwani Haryana along with documents appended thereto filed
on behalf of the Respondent/State, today in Court; Be kept on record.

2. With regard to two questions noted in the earlier Order
dated 15th January, 2020, it has transpired from the Reply that the
defective/non-standard medicines covered in the complaint pertain to
the same batch from which samples were sent for testing, and that such
samples were sent at the instance of M/s Haryana Medical Services
Corporation Limited and not at the instance of the Petitioners.

3. From the impugned order passed by the Ld. Additional Sessions Judge, Bhiwani, it is seen that the eyesight of as many as 63 patients has been endangered after the drug in question was used during the course of their Cataract Operations and statement of Dr. Advin, SMO/In-charge, Kishan Lal Jalan Govt. Eye Hospital, Bhiwani, corroborates this observation.

4. In such circumstances, this Court does not find it to be a fit case to grant anticipatory bail to the Petitioners.

5. Dismissed.

February 03, 2020
Dpr

(SUDIP AHLUWALIA)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No