

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

204

**CRM-M-18133-2021
Date of decision: 28.05.2021**

Vikas Verma

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI

Present : Mr. Tanvir Singh Grewal, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana
for the respondent-State.

ARUN KUMAR TYAGI, J (ORAL)

(The case has been taken up for hearing through video
conferencing.)

The petitioner has filed the present (first) petition under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail in case FIR No.241 dated 02.04.2021 registered under Section 15(2)(B) of the Indian Medical Council Act, 1956, Section 420 of the Indian Penal Code, 1860 and Sections 3, 4 and 5 of the Medical Termination of Pregnancy Act, 1971 at Police Station Yamuna Nagar City, District Yamuna Nagar.

The above said FIR was registered on complaint of Dr. Jai Prakash Prasad, Deputy Civil Surgeon, PNDDT, Yamuna Nagar. As per the allegations made in the complaint Bhateri Devi, who was pregnant, was joined as decoy and given amount of Rs.800/- and as per instructions of the complainant team, Bhateri Devi paid the amount of Rs.800/- to accused Vikas Verma (the petitioner) on handing over of MTP Kit to her. The petitioner gave a big tablet to eat with direction to take remaining four tablets during night. On signal, the complainant

team raided and collected one tablet from the mouth of Bhateri Devi and remaining four tablets from her hand and amount of Rs.800/- given to him from the petitioner.

The petitioner being in custody has filed the present petition for grant of regular bail.

The petition has been opposed by the respondent-State in terms of reply filed by way of affidavit of Subhash Chand, HPS, Deputy Superintendent of Police, Yamuna Nagar in the Registry of this Court which is taken on record.

I have heard learned Counsel for the petitioner and learned State Counsel and have gone through the relevant record.

Learned Counsel for the has submitted that the petitioner has been falsely implicated in the present case. No independent witness was joined at the time of alleged recovery. False recovery of amount of Rs.800/-, four tablets and MTP Kit was planted on the petitioner. The petitioner is not even remotely associated with medical termination of pregnancy. Allegations made in the complaint do not make out the case of commission of alleged offences by the petitioner. The petitioner is not involved in any other case of similar nature. The trial is likely to take long time due to restrictions imposed to prevent spread of Covid-19. No useful purpose will be served by further detention of the petitioner in custody. Therefore, the petitioner may be granted regular bail.

On the other hand, learned State Counsel has submitted that the petitioner not being duly qualified medical practitioner illegally supplied MTP Kit to decoy Bhateri Devi. Recovery of MTP Kit

supplied by the petitioner and amount paid to the petitioner by Bhateri Devi was made from the spot by the complainant team. The complainant team did not have any previous enmity, ill-will or malice against the petitioner to falsely implicate him. In view of the nature of accusation and gravity of the offences, the petitioner does not deserve grant of regular bail. Therefore, the petition may be dismissed.

In view of the facts and circumstances of the case, nature of accusation and evidence against the petitioner, the fact that all the offences are triable by the Judicial Magistrate 1st Class and the fact that the trial is likely to take long time due to restrictions imposed to prevent the spread of Covid-19, but without commenting on the merits of the case, I am inclined to extend the concession of regular bail to the petitioner.

Accordingly, the petition is allowed and the petitioner is ordered to be released on regular bail on furnishing of personal and surety bonds to the satisfaction of the trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

However, the petitioner is granted regular bail subject to the condition that he shall not commit any similar offence after his release on bail and in case of commission of any such offence by him in future his bail in the present case shall also be liable to be cancelled on application to be filed by the prosecution in this regard.

28.05.2021

Vinay

(ARUN KUMAR TYAGI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No