

CRM-M-21127-2021

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

CRM-M-21127-2021

Date of decision:05.07.2021

Susheel Kumar

...Petitioner

Versus

State of U.T. Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Karan Bhardwaj, Advocate,
for the petitioner.

Mr. A.M.Punchhi, Public Prosecutor with
Mr. Anupam Bansal, Advocate,
for the respondent-U.T. Chandigarh.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks regular bail in case bearing FIR No.56 dated 18.04.2021, registered at Police Station Central Sector 17, Chandigarh, under Sections 420 and 120-B IPC, Section 7 of the Essential Commodities Act, 1955 and Section 27 of the Drugs and Cosmetics Act, 1940.

Learned counsel for the petitioner contends that the petitioner is having a registered pharmaceutical company under the name and style of 'Seatrack International Tradex Pvt. Ltd.' and his company had a business dealing with M/s Rescuers Life Sciences Ltd. The officials of the latter company proposed him that a sister concern of their company 'M/s Health Biotech Private Limited' was an authorized manufacturer of 'Remdesivir'. Thereafter, the petitioner went to the registered office of M/s Health Biotech Private Limited at Sector 34 Chandigarh, to make necessary

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discussions or in other words 'inquiries' and was also invited for further discussions on 18.04.2021 at Taj Hotel, Chandigarh, alongwith a draft agreement between the parties. The perusal of draft agreement dated 15.04.2021 would reflect that the use and sale of Remdesivir injections would be after taking necessary approval from the competent authority and the responsibility to obtain the said licence for the sale in domestic market was of M/s Health Biotech Private Limited. However later on, it surfaced that the said company was not having a licence to sell the medicines at domestic market.

Learned counsel further contends that the petitioner has falsely been been implicated in the present case and the alleged meeting dated 18.04.2021, at Taj Hotel, was only a pre-marketing meeting before obtaining the permission. Neither any vial of Remdesivir nor any amount was recovered from the petitioner at the time of raid. No inducement was attributed to the petitioner. In such circumstances, no case is made out against him. Learned counsel further submits that no offence under Section 7 of the Essential Commodities Act is made out against the petitioner. Moreover, the police was not authorized to launch prosecution under Section 27 of the Drugs and Cosmetics Act, 1940. Lastly, it is submitted that the investigation is complete; that nothing is to be recovered from him; that he has been in custody since 22.04.2021, and that no useful purpose would be served by keeping him behind the bars.

Learned P.P. for U.T. Chandigarh, while opposing the submissions made by the learned counsel for the petitioner submits that the petitioner alongwith co-accused was holding a meeting with some

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customers in connection with the sale of Remdesivir injections without having any licence or permit. The recovery of request letter 13.04.2021 from the petitioner clearly establishes that the petitioner and co-accused had every act of connivance and the alleged sudden meeting of the petitioner with the other co-accused in Taj Hotel, could not be without any prior meeting of minds. As a matter of fact, the entire conduct of the proceedings clearly points out that the petitioner alongwith other co-accused had been involved in the crime by preparing the mode and modus well in advance with the ulterior goal in mind. However, challan was presented on 15.06.2021.

I have heard the learned counsel for the parties.

Challan stands presented against the petitioner. Nothing is to be recovered from him. He has been in custody since 22.04.2021. Trial of the case would take time to conclude. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

Nothing expressed above shall be construed as an expression of opinion on the merits of the case.

05.07.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?

Yes/No

Whether reportable?

Yes/No