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

CRM-M-21353-2021
DECIDED ON:28th MAY, 2021

SUMIT GARG

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Aditya Sanghi, Advocate for the petitioner.

Ms. Dimple Jain, AAG, Haryana.

***

AVNEESH JHINGAN, J (ORAL)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking anticipatory bail in case of FIR No. 200, dated 30th April, 2021, under Sections 18(C), 18A/27(B) (II) and 28 of the Drugs and Cosmetics Act, 1940, Sections 3 and 7 of Essential Commodity Act, 1940, Section 51-B of the Disaster Management Act, 2005 and Section 420 of IPC registered at Police Station City Fatehabad, District Fatehabad.

The police received a message that Bhavya Aggarwal was illegally selling Remedesivir injections for an amount of ₹35,000/-. The police constituted a team and sent Virender Singh Beniwal to purchase injection from Bhavya Aggarwal. One injection of 20 ml Remedesivir having MRP of ₹5400 was sold for ₹35,000/-. Bhavya

Aggarwal was asked to produce the copy of purchase and sale record or the drug licence but he failed. He disclosed that he procured the drugs from Vikas Kumar @ Vicky. Vikas Kumar @ Vicky was arrested, on his disclosure statement Gautam Garg was arrested on 9th May, 2021. Gautam Garg named Sumit Garg-petitioner.

Learned counsel for the petitioner submits that it is a case of false implication. Petitioner had not made any money transaction. The petitioner was named by the co-accused.

Learned State counsel submits that in the present scenario the efforts to fight with COVID-19 are being hampered by such acts. The life of the patients suffering from COVID-19 is being taken at stake for the greed of money.

Some people in this pandemic are taking advantage of situation when there is huge difference in demand and supply of some of the medicine. This has to be dealt with sternly in accordance with law. The argument that it is a case of false implication is not even *prima-facie* explained as to why the petitioner was named by the co-accused. Even if there was no direct dealing of the petitioner so far as money transaction is concerned, this no way reduces the gravity of the role played by the petitioner. From the case set up, it appears that it is a well-knitted and planned chain operating for selling Remedesivir at a higher rate. The issue with regard to the name of the petitioner having been surfaced in a disclosure statement would be subject matter of the investigation and trial. If the petitioner would be clothed with a protection of pre-arrest bail the deeper probe required in such incident would be hampered and the missing links and the m*odus operandi* adopted could never be unveiled.

No case is made out for pre-arrest bail.

Dismissed.

(AVNEESH JHINGAN)
28th MAY, 2021 **JUDGE**
sham

Whether speaking/reasoned *Yes/No*
Whether reportable *Yes/No*