

CRM-M-21647-2021

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

CRM-M-21647-2021

Date of decision:05.07.2021

Phillip Jacob

...Petitioner

Versus

U.T. Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Mandeep Singh Sachdev, 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 working as a Chief Executive Officer with the company known as White Square. The petitioner has falsely been implicated in the present case. No purchase had been made by the petitioner from the alleged seller, namely M/s Health Biotech Pvt. Ltd. and rather he had a business dealing with another pharmaceutical company 'Thameen Healthcare Private Limited' as

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is evident from the purchase order (Annexure P-5).

Learned counsel for the petitioner further contends that there is no evidence against the petitioner with regard to the offences allegedly committed by him. No recovery was effected from him. He had not purchased or distributed even a single dose of the Remdesivir injection. Moreover, no inducement was attributed to the petitioner.

Learned counsel further contends that in such circumstances, no case is made out against the petitioner. Learned counsel further submits that no offence under Section 7 of the Essential Commodities Act is made out against him. 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 the petitioner; 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 in connection with the sale of Remdesivir injections without having any licence or permit. The petitioner and the co-accused had every act of connivance and rather, the alleged sudden meeting of the petitioner with the other co-accused in Taj Hotel, could not be without any prior meeting of minds. It is also argued that the Health Biotech was not authorized to sell the injections Remdesivir in the domestic market, but its manufacturing, stocking and further intended sale by the accused, including the petitioner, clearly points out to

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an act of criminal conspiracy. 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?
Whether reportable?

Yes/No
Yes/No