

CRM-M-21957-2021

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

CRM-M-21957-2021

Date of decision:26.08.2021

Arun Kumar

...Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. S.K.Tripathi, Advocate,
for the petitioner.

Mr. Ashok Singh Chaudhary, Addl. A. G. Haryana.

HARNARESH SINGH GILL, J. (ORAL)

Case is taken up for hearing through video conferencing.

Through this petition, the petitioner seeks anticipatory bail in case bearing FIR No.185 dated 24.04.2021, registered at Police Station Model Town, District Rewari, under Sections 7 and 10 of the Essential Commodities Act, 1955 and Sections 27(b) (ii) and 27(d) of the Drugs and Cosmetics Act, 1940.

Learned counsel for the petitioner contends that the petitioner was not named in the FIR and rather has been indicted on the disclosure statement of co-accused, Tilak Raj, who stands granted regular bail. He further refers to the disclosure statement of co-accused, Tilak Raj, recorded on 25.04.2021, wherein he stated that he was working in a Mobile Godown, Gandhi Chowk, Rewari; that his co-villager Rahul had sent Arun(petitioner) to him alongwith a Remdesivir injection to sell the same

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against a sale consideration of Rs.23,000/-.

On the other hand, learned State counsel while opposing the submissions made by the learned counsel for the petitioner, submits that even co-accused Rahul named the petitioner that he was the person who had handed over Remdesivir injection to Tilak Raj. He also submits that the petitioner is part of a gang, which had been involved in black marketing of Remdesivir injection costing Rs.2000 to Rs.2500 around, and had sold the same at the rate of Rs.23000/- per injection. Owing to the black-marketing of medicines used in Covid-19, many patients had lost their lives.

I have heard the learned counsel for the parties.

There is a specific allegation against the petitioner that he had supplied Remdesivir injection to Tilak Raj being sold in black market and the petitioner had every act of connivance with the co-accused. The petitioner was involved in a racket of selling the life saving drugs at a higher price. It is shocking that a person like petitioner has indulged himself in selling the Remdesivir injection, used in the treatment of COVID-19 patients, in the black-market. Such an inhuman conduct of the petitioner is highly deplorable when the society at large has come together to tide over the difficulties and troubled time, arisen on account of COVID-19 pandemic. Merely because the name of the petitioner was not mentioned in the FIR, is of no help to him in the peculiar facts and circumstances of the case as his name has cropped up on the basis of the disclosure statement of the co-accused. The petitioner cannot claim parity with co-accused, Rahul and Tilak for the reason that they stand released on

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regular bail by the trial Court whereas he seeks anticipatory bail.

In the considered opinion of this Court, the petitioner is required for custodial interrogation to unearth as to how the petitioner was possessed of the Remdesivir injection without prescription, especially when it was required to be sold only on prescription being issued.

In view of the above, I do not find any merit in the present petition.

Dismissed.

26.08.2021

parveen kumar

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No