

CRM-M-22769-2021

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

CRM-M-22769-2021

Date of decision: 05.07.2021

Abhishek P.V.

...Petitioner

Versus

Union Territory of Chandigarh

.....Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present:- Mr. Nitin Jain, 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 besides pursuing BBA-LLB-5 year course, the petitioner is a partner in Macew Merchantile LLP, which is a partnership firm comprising the petitioner and one Sahith Thalayillath. His aforesaid firm is into the business of supplying surgical examination and latex gloves and is also an authorized seller for the supply of the gloves being manufactured by Hi-care Gloves

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Private Limited under the brand name of Medicyl. The petitioner has falsely been implicated in the present case by implanting one vial of Remdesivir. Learned counsel further submits that no offence under Section 7 of the Essential Commodities Act is made out. 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 in connection with the sale of Remdesivir injections without having any licence or permit and that when the premises of Taj Hotel were raided, the petitioner was apprehended with one vial of Remdesivir. Moreover, 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. Recovery has already been effected. The petitioner has been in custody since 22.04.2021.

Trial of the case would take time to conclude. Therefore, no useful purpose

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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