

CRM-M-25656-2021

Date of Decision : 09.09.2021

MUSKAN

...Petitioner

versus

STATE OF HARYANA

....Respondent

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Gaurav Aggarwal, Advocate for the petitioner.

Mr. Naveen Kumar Sheoran, DAG, Haryana.

B.S. Walia, J. (VC)

1. Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.
2. Prayer in the petition under Section 438 Cr.P.C. is for grant of pre-arrest bail to the petitioner in case FIR No. 426 dated 06.12.2020, registered under Sections 18(A)/18(C) of Drugs and Cosmetics Act, 3/4/5 of Medical Termination of Pregnancy Act, 15(2),15(3) of IMC Act and 420, 467, 468, 471, 120-B IPC, 1860 at Police Station Saran, District Faridabad.
3. On 07.07.2021, the following order was passed:-

“ Case is being taken up for hearing through Video Conferencing due to Covid-19 pandemic.

Prayer in the petition under Section 438 Cr.P.C. is for grant of pre arrest bail to the petitioner in case FIR No.426, dated 06.12.2020, registered under Sections 18(A), 18(C) of the Drugs and Cosmetics Act, 3, 4, 5 of Medical Termination of Pregnancy Test, 15(2), 15(3) of IMC Act and 420, 467, 468, 471, 120-B of IPC, at Police Station Saran, Faridabad.

Learned counsel contends that the petitioner has been implicated in the aforementioned case along with her husband solely on account of the clinic where the raid has been conducted being in the name of the petitioner.

Learned counsel contends that the medical termination of pregnancy pills alleged to have been recovered from the clinic were not sent to the Forensic Science Laboratory for chemical examination, decoy witness was not an official witness, besides the petitioner is not a doctor and it is only her husband who is practicing in the clinic as an Ayurvedic Doctor. Learned counsel further contends that the petitioner has clean antecedents and is ready and willing to join investigation.

Notice of motion.

Mr. Sandeep Singh Mann, learned Additional Advocate General, Haryana, accepts notice and requests for time to file reply.

Adjourned to 09.09.2021.

In the meantime, the petitioner is directed to join investigation and fully cooperate with the police. However, in the event of arrest, the petitioner be released on ad-interim pre-arrest bail, subject to her furnishing bail / surety bonds to the satisfaction of the Arresting / Investigating Officer. The petitioner shall abide by the conditions envisaged under Section 438(2) Cr.P.C., failing which, the interim protection granted to the petitioner, shall stand vacated.”

4. Today, learned counsel for the petitioner contends while learned State counsel on instructions from ASI Surinder Kumar confirms that pursuant to the order of this Court dated 07.07.2021, the petitioner joined investigation, fully cooperated with the police, was released on ad interim pre arrest bail and that her custodial interrogation is not required.

5. In view of the statement of learned State counsel, order dated 07.07.2021, passed by this Court, is made absolute. The petitioner shall abide with the conditions enumerated in Section 438(2) Cr.P.C. However, nothing stated hereinabove shall be construed as an expression of opinion on the merits of the case.

6. Petition stands *disposed of* in the aforementioned terms.

(B.S. Walia)
Judge

09.09.2021

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<i>Whether speaking/ reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>