

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.29981 of 2021 (O&M)
Date of Decision: November 12, 2021

Shunty @ Ishan Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.Rahil Mahajan, Advocate,
for the petitioner.

Mr.Anmol Malik, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

CRM-32338-2021

Prayer in the application for incorporation of Section 27(b)(ii)
Drugs & Cosmetics Act, 1940 in the head note and prayer clause of the
main petition.

Notice of this application.

Mr.Anmol Malik, learned Deputy Advocate General, Haryana
accepts notice on behalf of the State and does not oppose the prayer.

For the reasons mentioned in the application, the same is
allowed and Section 27(b)(ii) Drugs & Cosmetics Act, 1940 is ordered to
be incorporation in the head note and prayer clause of the main petition.

Main case

Petitioner has filed this petition under Section 439 Cr.P.C. for
grant of regular bail, pending trial in case FIR No.213 dated 06.05.2021,

under Section 7(a)(ii) Essential Commodities Act, 1955, Section 51-B Disaster Management Act, 2005, Section 420 IPC, 1860 and 7(b)(ii) Drugs & Cosmetics Act, 1940, registered at Police Station, Hisar City, District Hisar, who is in custody since his arrest on 10.05.2021.

The contents of the FIR, as noticed by the Additional Sessions Judge, Hisar in his order dated 12.07.2021 while dismissing the bail application, are as under:-

“The brief facts for disposal of this application for bail on 06.05.2021, Suresh Chaudhary, Drugs Control Officer, Hisar made a complaint to Station House Officer, police-station City, Hisar, wherein he alleged that it has been brought to the notice of office of Senior Drugs Control Officer, Hisar by Dr. Sandeep Kumar Gupta, House No.1722, Sector-14, Hisar through an e-mail wherein he alleged that he had purchased two Remdesivir injections for a sum of ₹25,000/- each whereas Maximum Retail Price printed at the drug was ₹3490/-. He further stated that Remdesivir injections were made available to him without prescription with the help of a private hospital Doctor and also with the help of an unknown person namely Shanti having Mobile No. 89504-87796 who sits outside pharmacy of a private hospital. He requested to take action against the culprits.”

Learned counsel for the petitioner has argued that the petitioner is in custody for a long period and as the investigation of the case is complete, the further custody of the petitioner may not be necessary. He submits that the charges in this case were framed on 13.09.2021, but no prosecution witness has been examined so far and, thus, the trial is likely to consume considerable time to conclude. He prays for bail.

On the other hand, the prayer is opposed by the learned State counsel, assisted by SI Satyawan, on the ground that the petitioner took

undue advantage during rise of COVID-19 cases as he sold two Remdesivir injections for an amount of Rs.50,000/- and the said amount has been recovered from his possession during investigation. However, it is not disputed that no prosecution witness has been examined so far.

After hearing the learned counsel for the parties, considering the above background as well as the pace at which the trial is progressing, this court is of the opinion that the possibility of conclusion of trial in near future is extremely bleak, therefore, the further detention of the petitioner behind the bars would not serve any useful purpose.

Resultantly, without meaning any expression of opinion on the merits of the case, the petition is allowed and it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court/CJM/Duty Magistrate, Hisar.

November 12, 2021
ramesh

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No