

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

CRM-M-45129 of 2021

DECIDED ON: 2nd November, 2021

Ajay Kumar

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Namit Khurana, Advocate for petitioner.

Ms. Geeta Sharma, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No.356 dated 8.5.2021, under Sections 17-B (c), 18-A, 18(a) (i), 18(c), 27(B)(ii), 27(c), 28 of Drugs and Cosmetics Act, 1940, and 3/7 of Essential Commodities Act, 1955 and 120-B, 420, 467, 468, 471 IPC, registered at Police Station City Yamuna Nagar, District Yamuna Nagar.

The allegation in the FIR is that duplicate Remdesivir injections were supplied by the petitioner at a price higher than the MRP.

Learned counsel for the petitioner submits that the petitioner was only acting as a middleman. He purchased the injection from co-accused and charged his commission. He further submits that the petitioner is in custody since 26.7.2021, investigation is complete and no recovery is to be effected. The contention is that no injection was recovered from the petitioner.

Learned State counsel opposes the prayer for grant of bail and submits that it is a crime against humanity. When the world was facing the Pandemic situation, in which the person like the petitioner was out to encash the situation. She on instructions submits that the challan stands presented and investigation is complete.

Co-accused was supplier of Remdesivir injection. The Court is informed that the manufacturer is also in custody. Recovery from the petitioner is of Rs.500/-. Investigation is complete, conclusion of trial is likely to take time. Petitioner is not involved in any other case. No useful purpose would be served by keeping the petitioner behind bars. Bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

2nd November, 2021

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**(AVNEESH JHINGAN)
JUDGE**

Whether speaking/reasoned *Yes*

Whether reportable *No*