

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

**CRM-M-46306-2019
Date of decision-25.10.2021**

Shyam Sunder Sud

...Petitioner

Vs.

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Dr. Anmol Rattan Sidhu, Senior Advocate with
Mr. Ranjan Lakhanpal, Advocate for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.74 dated 07.10.2019 under Sections 18, 29, 3(1), 3-A, 4, 5(1) (a) and 6 (a) Prenatal Diagnostic Techniques (Regulations and Prevention of Mis-use) Act, 1994, Sections 18-A and 27 Drugs and Cosmetics Act, 1940, Sections 415 and 417 Indian Penal Code, 1860 and Section 8 Medical Termination of Pregnancy Act, 1971 registered at Police Station Mansa Devi Complex, Panchkula. The petitioner apprehend his arrest at the hands of Police.

Learned Senior counsel for the petitioner has invited the attention of the Court to the order dated 14.11.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the allegation in the FIR pertains to certain irregularities in

the record maintained by the petitioner at his clinic, namely, Sidharath Clinic. According to him, few omissions in the record would not constitute the offence as alleged in the FIR. He submits that in the given facts, the custodial interrogation of the petitioner would not be required, who is ready to join the investigation.

Notice of motion for 26.03.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by SI Suraj Mal does not dispute this fact that the petitioner has joined the investigation. He further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 14.11.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

25.10.2021

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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No