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

**CRM-M-20277-2022
Date of Decision: 13.07.2022**

Mohd. Shahvar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Namit Khurana, Advocate,
for the petitioner.

Mr. Naveen S. Panwar, DAG, Haryana.

JASGURPREET SINGH PURI, J. (ORAL)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case bearing FIR No.178 dated 29.04.2021, under Sections 27, 27(b)(ii), 28 of Drugs and Cosmetics Act, 1940, Para 25, 26 of Drug Price Control Order read with Section 3 & 7 of the Essential Commodities Act, 1955 and Sections 420, 467, 468 & 471 of the IPC, registered at Police Station Sector Industrial Sector-29, District Panipat.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 08.07.2021 which is more than 1 year. He further submitted that the petitioner was not named in the FIR but the allegations in the present FIR were against one Himanshu for possessing Remdesivir Injections for the purpose of black marketing. Thereafter, on the

disclosure statement of the aforesaid Himanshu, another person, namely, Ashish was nominated and on the basis of disclosure statement of Ashish, one Pradeep was nominated, and thereafter, on the disclosure statement of Pradeep, the name of the petitioner was nominated. He also submitted that there had been no recovery at all from the petitioner except for Rs.40,000/- which otherwise belong to the petitioner. He further submitted that the aforesaid two persons, namely, Himanshu and Ashish filed a petition bearing CRM-M-7379-2022 before this Court seeking quashing of the FIR and the said petition has been allowed and the FIR *qua* the aforesaid two persons have been quashed by this Court vide judgment dated 04.04.2022 (Annexure P-4) and has prayed that in view of the aforesaid factual position, the petitioner may be considered for the grant of bail.

On the other hand, Mr. Naveen S. Panwar, learned DAG, Haryana has stated that it is correct that the petitioner is in custody since 08.07.2021, which is more than one year and the FIR *qua* the main accused, namely, Ashish and Himanshu has been quashed by this Court.

I have heard the learned counsel for the parties.

The petitioner has faced incarceration for more than one year and the investigation of the case as per the learned counsel for the parties is already complete and the challan stands presented. The persons, namely, Himanshu and Ashish, who are the main accused in the present case, had filed a petition before this Court for quashing of the FIR and the same was allowed. Furthermore, it is not the case of learned State counsel that in case the petitioner is released on bail then he may abscond or flee from justice or may influence any witness, therefore, in view of the aforesaid facts and

circumstances of the case, this Court deems it fit and proper to grant bail to the petitioner.

Consequently, the present petition is allowed and the petitioner is ordered to be released on bail on furnishing bail bond/surety bond to the satisfaction of the trial Court/Duty Magistrate concerned, if not required in any other case.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is only meant for the purpose of decision of present petition.

13.07.2022

Bhumika

(JASGURPREET SINGH PURI)
JUDGE

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| 1. Whether speaking/reasoned: | Yes |
| 2. Whether reportable: | Yes/No |