

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

CRM-M-34711-2022

Date of Decision: 08.09.2022

Liyakat Ali

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sarfaraj Anjum Mor, Advocate,
for the petitioner.

Mr. Munish Sharma, A.A.G., Haryana.

VIKAS BAHL, J. (Oral)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No. 406, dated 08.12.2021, under Sections 15 (2) of the Indian Medical Council Act, 1956, and Sections 18-A and 18 (C) of the Drugs and Cosmetics Act, 1940, Section 22 of the NDPS Act, 1985, and Sections 336 and 420 of the IPC, registered at Police Station Punhana, District Nuh.

On 06.08.2022, this Court was pleased to pass the following order:-

CRM-28139-2022

This is an application filed for grant of leave under Rule 3/A(1) of Chapter VI, Part B, Volume V of Punjab and Haryana High Court Rules and Orders to file the present petition.

In view of averments made in the application, the same is allowed and leave is granted under the aforesaid Rules and Orders to file the present petition.

Main case

This is a second petition filed under Section 438 of

Cr.P.C. for grant of anticipatory bail to the petitioner in FIR No.406 dated 08.12.2021 registered under Section 15(2) of the Indian Medical Council Act, 1956, Sections 18A and 18(C) of the Drugs and Cosmetics Act, 1940 and Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and Sections 336 and 420 of the Indian Penal Code, 1860 at Police Station Punhana, District Nuh, Haryana. Learned counsel for the petitioner has submitted that first petition for anticipatory bail was dismissed as withdrawn with liberty to file a fresh one after giving full and better particulars. It is further submitted that the petitioner is only working as a Sweeper on contract basis in the Hospital in question on a salary of Rs.9000/- per month since 10.02.2021. It is contended that owner of the Hospital is Dr. Rajesh Kumar and for the said purpose, has referred to the affidavit dated 06.07.2022 (Annexure P-5). It is further contended that none of the patients had made any complaint and the surgeries have been performed by Dr. Sandeep Jain. It is argued that although, the petitioner was present at the time when the raid was conducted but the petitioner is not concerned with the management of the Hospital. It is further argued that the petitioner is a poor person and is not involved in any other case.

Notice of motion for 08.09.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from ASI Sunil Kumar, has submitted that the petitioner has joined the investigation and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances

moreso, the facts which have been noticed in abovesaid order dated 06.08.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 06.08.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

September 08, 2022
nitin

(VIKAS BAHL)
JUDGE

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