

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

219

CRM-M-20396-2022
Date of Decision: 18.05.2022

MOHD. SHAHVAR

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

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

Mr. Vinay Phogat, DAG, Haryana.

VINOD S. BHARDWAJ, J. (ORAL)

The petitioner has approached this Court for seeking regular bail under Section 439 of the Code of Criminal Procedure, 1973, in case bearing FIR No.117, dated 27.04.2021 under Sections 18(C) & 18(A) punishable under Section 27A, 27B (ii) & 28 of the Drugs and Cosmetic Act, 1940, Para 25 & 26 of the Drug (Price Control) Order read with Sections 3 & 7 of the Essential Commodity Act, 1955 and Sections 420, 467, 468, 471, 201, 384 of IPC, 1860 registered at Police Station Sector-13/17, Panipat.

Learned counsel appearing on behalf of petitioner *inter alia* contends that the petitioner was not named in the FIR. It is submitted that initially co-accused Pardeep was arrested. In the disclosure statement of co-accused Pardeep, he had named the petitioner. It is submitted by the learned counsel for the petitioner that no recovery of any Remdesivir injection has been effected from the petitioner who is in custody since 2nd July, 2021. The

investigation in the case is complete and a *challan* has already been filed on 16.09.2021. Charges have not yet been framed in the matter and it shall take long time for conclusion of the trial. It is further argued that the main accused Keshav from whom recovery of Remdesivir injection was effected has already been released on bail by the Sessions Court and even co-accused Sunil has been extended the concession of bail by this Court vide order dated 27.07.2021 passed in CRM-M-27683 of 2021. Another co-accused namely Akhlad @ Ali was granted bail vide order dated 01.02.2022 passed by this Court in CRM-M-45161 of 2021.

Learned State counsel opposes the bail application and submits that the matter is fixed before the trial Court on 19.05.2022 for appearance. It is further contended that 4 other similar cases had been registered against the petitioner and that a recovery of Rs.90,000/- was effected from the petitioner.

The submissions of learned State counsel are controverted by the learned counsel appearing on behalf of petitioner and it is submitted that the cases have been registered after the instant FIR in a malicious manner. Besides, no fake Remdesivir injection was recovered from the petitioner.

The trial is likely to take more time and that the case of the petitioner is on a better footing as compared to co-accused Keshav and Sunil from whom recoveries had also been effected.

Without going into the merits of the case and taking into account the custody as also the fact that investigation in the case is complete, I deem it appropriate to allow the instant petition.

Accordingly, the present petition is allowed and the petitioner

is admitted on regular bail subject to his furnishing bail bonds/surety bonds to the satisfaction of Trial Court/Duty Magistrate, Panipat.

It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

The observation made hereinabove shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of available material.

Petition stands disposed of accordingly.

(VINOD S. BHARDWAJ)
JUDGE

18.05.2022
rajender

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No