

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

201

**CRM-M-54668-2021
Date of decision: 11.02.2022**

AAFSA ALIAS AFSANA

.....PETITIONER

Versus

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANT PARKASH

Present : Mr. Parminder Singh, Advocate
for the petitioner.

Mr. Amreek Singh Narwal, DAG, Haryana
for the respondent-State.

SANT PARKASH, J. (ORAL)

(The case has been taken up for hearing through video conferencing.)

Prayer in this petition under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner, in case, FIR No. 202 dated 29.11.2021 registered under Sections 15(2B), 15(3) of Indian Medical Council Act, 1956 and Section 420 of the Indian Penal Code, 1860 at Police Station Sanoli, District Panipat.

Reply by way of affidavit of Ms. Pooja Vashisth, IPS, Deputy Superintendent of Police, Samalkha, District Panipat has been filed on behalf of respondent/State in the Registry which is taken on record.

While issuing notice of motion on 07.01.2022, Co-ordinate Bench of this Court, granted interim anticipatory bail to the petitioner with direction to join the investigation. Relevant part of order dated 07.01.2022 reads as under :-

“Learned counsel for the petitioner contends that it is alleged that the petitioner, who is running a cosmetic store, had been prescribing medicines to patients. He, however, contends that the petitioner possesses a diploma/degree of ANM. He also contends that there is no allegation that any spurious medicines have been given by her or any patient has fallen sick due to the medicines prescribed/given by her. He further contends that the petitioner is a 34 year old lady with a minor daughter. She has been residing separately from her husband for the last five years and earning her livelihood by running a cosmetic store. She has been involved in the case because the local chemist is siding with her husband in a matrimonial dispute. She is not involved in any other case.

Issue notice to the respondent.

At the asking of the Court, Mr. Anant Kataria, DAG, Haryana, accepts notice on behalf of the respondent-State and prays for time to file reply.

List on 11.02.2022.

In the meantime, the petitioner is directed to appear before the investigating/arresting officer and join investigation.

In the event of her arrest, the investigating/arresting officer shall release the petitioner on *ad interim* bail subject to her/his satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438 (2) Cr.P.C.....”

I have heard learned Counsel for the parties and gone through the case file.

Learned Counsel for the petitioner has, while reiterating submissions made on 07.01.2022, submitted that in compliance with order dated 07.01.2022, the petitioner has joined the investigation and she may be granted anticipatory bail as her custodial interrogation is not required in the case.

Learned State Counsel has in terms of the reply filed and on instructions from S.I. Arvind, acknowledged that in compliance with order dated 07.01.2022 passed by this Court, the petitioner has joined the investigation and that her custodial interrogation in the present case is not required.

In view of the facts and circumstances of the case, particularly the fact that custodial interrogation of the petitioner is not required in the case but without expressing any opinion on the merits of the case, I am of the considered view that the petitioner deserve grant of anticipatory bail.

Therefore, the petition is allowed and order dated 07.01.2022 granting interim bail to the petitioner is made absolute. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions enumerated in Section 438 (2) of the Cr.P.C., failing which the protection of anticipatory bail order shall not be available to her.

11.02.2022
kavneet singh

(SANT PARKASH)
JUDGE

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