

238

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

CRM-M-52821-2022

Date of decision : 21.11.2022

Darban Singh @ Darwan Singh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Himanshu Malik, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of regular bail to the petitioner in FIR No.506 dated 17.10.2022 registered under Sections 18-A, 18-C of the Drugs and Cosmetics Act, read with Rules 15(2), 15(3) of the National Medical Commission Act, 2019 read with Sections 420, 336, 120-B of Indian Penal Code, 1860 at Police Station Adarsh Nagar, District Faridabad.

Learned counsel for the petitioner has submitted that the petitioner is in custody since 17.10.2022 and report under Section 173 of Cr.P.C. has not been submitted thus, the investigation and conclusion of trial is likely to take time. It is further submitted that the petitioner is not involved in any other case and the entire case is based on documents and

also the record of the proceedings recorded at the time of raid which has been conducted and thus, no purpose would be served by keeping the petitioner in further incarceration.

On the other hand, learned State Counsel has opposed the present petition for grant of regular bail to the petitioner and has submitted that on the basis of secret information, it was found that Dr. Vandana had given birth to a baby about 15 days ago and the petitioner was taking care of patients although he is not a Doctor and on raid being conducted, the present petitioner was caught red handed and thus, does not deserve the concession of regular bail.

This Court has heard the learned counsel for the parties and has perused the paper book.

In the present case, the petitioner is in custody since 17.10.2022 and since, report under Section 173 of Cr.P.C. has not been submitted thus, the investigation and conclusion of trial is likely to take time. The petitioner is stated to be not involved in any other case and the entire case is based on documents and also the record of the proceedings which have been recorded at the time of raid. No purpose would be served by keeping the petitioner in further incarceration.

Keeping in view the abovesaid facts and circumstances, the present petition is allowed and the petitioner is ordered to be released on regular bail on his furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate, subject to him not being required in any other case.

However, it is made clear that in case, any act is done by the petitioner to threaten the complainant or any of the witnesses, then it would be open to the State to move an application for cancellation of bail granted to the petitioner.

Nothing stated above shall be construed as an 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.

21.11.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No