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

Date of decision: 20.12.2022

1. CRM-M No.57468 of 2022 (O&M)

Tejvir

....Petitioner

Versus

State of Haryana

....Respondent

2. CRM-M No.57911 of 2022 (O&M)

Vishal Gaud

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. B.S. Tewati, Advocate
for the petitioner (in CRM-M-57468-2022)

Mr. Sahil Chowdhary, Advocate
for the petitioner (in CRM-M-57911-2022)

Mr. Deepak Grewal, DAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

CRM-49167-2022 IN CRM-M-57468-2022

Heard.

Allowed as prayed for.

Document (Annexures P-3 and P-4) are taken on record
subject to all just exceptions.

CRM-M Nos.57468 and 57911 of 2022 (O&M)

Prayer in these petition is for grant of regular bail to the
petitioners namely Tejvir and Vishal Gaud under Section 439 of the
Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.325 dated
29.09.2022, for offence punishable under Section 420 of the Indian
Penal Code, 1860 (in short 'IPC'), Sections 18, 27 of the Drugs Act,

1940, Sections 3, 4 and 5 of the Medical Termination of Pregnancy Act, 1971 and Section 34 of the N.M.C., 2019 registered at Police Station Sadar Ballabhgarh, District Faridabad.

Counsel for the petitioner – Tejvir has argued that as per the allegations in the FIR, it is stated that the Civil Surgeon, Faridabad, has received a secret information that the petitioner Vishal is running a Clinic in Village Chandavali and do illegal abortion though, he is not a Doctor. On the basis of the secret information, a team was constituted for investigation and legal action. A decoy customer, who was 03 months pregnant was sent to the Clinic of the petitioner Vishal and she had given some money for the purpose of conducting the abortion. Later on, the team arrested the petitioner Vishal. During the raid, apart from the money given by the decoy customer to Vishal, some other equipment and one MTP kit was recovered. On the basis of the disclosure statement of the petitioner – Vishal, it was stated that it is the petitioner Tejvir, who was supplied him the MTP kit and later on, both of them were arrested. It is also submitted that the petitioner Tejvir is in custody for the last 01 month and 02 days and his holding a valid degree of Pharmacy as well as a licence to sell, stock or exhibit drugs by retail under a licence issued by the Food and Drugs Administration Department, Faridabad, dated 07.12.2021, which is valid till 06.12.2026.

It is submitted on behalf of the petitioner – Vishal that in fact, no such procedure for conducting the MTP was undertaken by him and only recovery of the amount and an empty MTP kit was effected. It is further submitted that challan stands present in the case and it will take some time in conclusion of the trial and as per the custody certificate, the petitioner Vishal Gaud, is in custody for the 02 months and 21 days and the custody certificate of both the petitioners reflects that they have no such antecedents of involvement in any other criminal case.

Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that both the petitioners are in custody for the last more than 02 months; the petitioners are not involved in any other case; the custodial interrogation of the petitioners is not required and the conclusion of the trial will take some time, both these petitions are allowed and the petitioners namely Tejvir and Vishal Gaud, are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioner, in case they are found involved in any other case or misusing the concession of bail, in any manner.

A photocopy of this order be placed on the file of other connected case.

(ARVIND SINGH SANGWAN)
JUDGE

20.12.2022

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No