

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

202

CRM-M 1612 of 2023

Date of Decision: 20.04.2023

Vikas @ Vikas Sharma

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH.

Present: Mr. R.S. Mamli, Advocate for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

GURBIR SINGH, J (ORAL)

The prayer in the present petition is for grant of anticipatory bail to the petitioner in case FIR No.0240 dated 16.12.2022, under Section 15(2)(B) of Indian Medical Council Act, 1956 and Section 276 of IPC and (Section 22 of NDPS Act, 1985, added subsequently), registered at Police Station Raipur Rani, District Panchkula.

Status report by way of affidavit of Kishori Lal, HPS, Assistant Commissioner of Police, Panchkula, on behalf of respondent-State, is filed in Court today. The same is taken on record.

On 12.01.2023, the following order was passed:-

'Learned counsel for the petitioner contends that originally, case FIR under Section 15 (2)(b) of Indian Medical Council Act, 1956 and Section 276 of IPC was registered on the ground that certain medicines were recovered as petitioner was selling the same. The offence was bailable so he was released on bail. Thereafter Section 22 of NDPS Act was added. The medicines recovered from the petitioner were having salt of Propranolol Hydrochloride and AlraZolam Tablet, the weight of which was found to be 76.30 grams. The recovery has already been effected. He further submits that the petitioner is ready to join the investigation.

Notice of motion.

On the asking of the Court, Mr. Karan Sharma, DAG, Haryana, accepts, notice on behalf of respondent-State and seeks time to file status report.

Adjourned to 20.04.2023.

The case was originally not registered under the NDPS Act. Procedure for NDPS Act was not followed. Recovery is not of commercial quantity.

Meanwhile, in the event of arrest of the petitioner in the instant case, he shall be enlarged on interim bail subject to his furnishing personal bond/surety bond to the satisfaction of Investigating Officer/Arresting Officer. The petitioner shall join the investigation as and when called upon to do so by the Investigating Agency. The petitioner shall abide by the conditions as laid down under Section 438(2) Cr.P.C. in letter and spirit.

Meantime, status report be filed well in time with advance copy to counsel opposite.'

Learned State counsel, on instructions from ASI Pardeep Singh, states that in compliance of order dated 12.01.2023, the petitioner has already joined the investigation and he is not required for any custodial interrogation.

In view of the above, the order dated 12.01.2023 granting interim bail to the petitioner, is made absolute. The petitioner shall abide by all the conditions as laid down under Section 438(2) Cr.P.C. in letter and spirit.

Petition is disposed of accordingly.

(GURBIR SINGH)
JUDGE

20.04.2023

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