

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

213

CRM-M-3571-2023

Date of Decision: 25.04.2023

Mahender Singh

.....Petitioner

VERSUS

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE GURBIR SINGH

Present: Mr.Rajesh Lamba, Advocate, for the petitioner.

Mr. Karan Sharma, DAG, Haryana.

GURBIR SINGH, J (ORAL)

The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.776, dated 16.12.2022, under Section 120-B, 336 and 420 IPC, Sections 3,4 and 5 of Medical Termination of Pregnancy Act, 1971, Sections 15(2), 15(3) of Indian Medical Council Act, 1956 and Sections 18(a)(i), 27(d) of Drugs and Cosmetics Act, 1940, registered at Police Station Mujesar, District Faridabad (Haryana).

2. Status report dated 18.04.2023 is already filed. Para No. 8 of the status report is reproduced as under:-

“That it is pertinent to mention here that there are allegations against the petitioner that a secret information was received that petitioner is indulged in illegal medical termination of pregnancies. Thereafter, a raiding party was formed/constituted. Decoy lady alongwith Raunak were sent to M/s

K.M.Medical Store, Sanjay Colony, Faridabad, owned by petitioner and he had supplied expired misbranded MTP kit to the decoy lady (after erasing the batch number, mfg. Date, exp.Date and MRP details), posing himself as doctor without having required medical qualification/registration certificate, thereby endangering the life of decoy lady alongwith her fetus. There are serious allegations against the present petitioner. The petitioner belongs to Nainital, Uttarakhand. There is apprehension of the prosecution that in case petitioner is released on bail, he may pressurize the witnesses or may abscond as the case is at its initial stage. The prosecution has further apprehension that he may again indulge in such type of offences.”

3. Learned counsel for the petitioner submits that the petitioner is in custody since 16.12.2022; challan has already been presented and there is no other case pending against him.

4. On the other hand, learned State counsel opposes the prayer made by learned counsel for the petitioner, submitting that there is no other case registered against the petitioner. However, he does not deny the fact that the petitioner is in custody since 16.12.2022.

5. Heard.

6. Keeping in view the fact that since the recovery is already effected; the petitioner is in custody since 16.12.2022; the completion of trial will also take a long time and no useful purpose would be served by keeping the petitioner behind bars for a long period.

7. Accordingly, without commenting upon the merits of the case, the present petition is allowed and the petitioner is directed to be released on regular bail, on his furnishing bail bonds/surety bonds, to the satisfaction of learned Trial Court/Duty Magistrate, concerned.

8. However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

25.04.2023
mamta

(GURBIR SINGH)
JUDGE

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