

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-4727 of 2023
Date of Decision: January 31, 2023

Parmjit Singh @ Pritam

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Gurdeepinder Singh Dhillon, Advocate
for the petitioner

Sudhir Mittal, J. (Oral)

This petition has been filed for grant of anticipatory bail in case FIR No. 0009 dated 08.01.2023, registered at Police Station City Fazilka, District Fazilka under Sections 417 and 420 IPC and Sections 47, 48, 49 of the Dentists Act, 1948.

According to the FIR, the petitioner was found running a Dental Hospital known as 'Preet Danda Da Hospital' without being a qualified Dentist and without being registered with the Punjab Dental Council.

Learned counsel for the petitioner has submitted that the FIR is also under Sections 47, 48, 49 of the Dentists Act, 1948 and, the maximum punishment for the said offences is fine of Rs. 500/-. Sections 417 and 420 IPC are not attracted as the Dentists Act, 1948 is a special law and the same will prevail over the general law. Reliance has been placed upon *Sharat Babu Digumarti vs. Govt. of NCT of Delhi, 2017(1) RCR(Criminal) 196*.

The submission can not be accepted. A single act can be an offence under more than one statute. All of them would apply unless a special Act gives

overriding effect to its provisions. In *Sharat (supra)* the Supreme Court has held that the Information Technology Act, 2000 would prevail over the Indian Penal Code, 1860 in view of Section 81 of the Information Technology Act, which provides for overriding effect thereof. The Dentists Act, 1948 has no similar provision.

Admittedly, the petitioner is not a qualified Dentist. Thus, his custodial interrogation is necessary to find out details regarding his functioning and how he has been able to defraud the general public for a long period of time.

Accordingly, the petition has no merit and is dismissed.

January 31, 2023

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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No