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IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Misc. No. M-4793 of 2023
Date of Decision: January 31, 2023

Surjit Singh

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Neeraj Madaan, 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 working at a Dental Clinic without possessing a valid degree/license.

Learned counsel for the petitioner submits that the petitioner is a qualified diploma holder in Dental Hygiene as is evident from Annexure P-2. He also holds valid registration certificate with the Council of Para Medical Sciences. Being so qualified, he is entitled to treat the dental problems of patients. A visiting Dentist also comes to the clinic as is evident from certificate of registration of Dr. Kuldeep Singh annexed as Annexure P-3. Accordingly, no offence under the Dentists Act, 1948 is made out and consequently the offences under Indian Penal Code are not attracted.

The submission is totally misconceived. The Dental Hygienist duly registered with the Council of Para Medical Sciences can not be considered to possess the right to treat dental problems. He, thus, can not run a clinic. Annexing a certificate of registration of Dr. Kuldeep Singh would not establish that he was visiting the clinic. The submission that the petitioner was infact not treating patients and was only looking after their Dental Hygiene is a question of fact which can be gone into during the course of the trial. Thus, the petitioner does not deserve any relief.

Admittedly, the petitioner is not a qualified Dentist. 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