

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

226

CRM-M-14617-2023 (O&M)
DECIDED ON: 28th MARCH, 2023

PARMODH DHAWAN

.....PETITIONER

VERSUS

UNION OF INDIA

... RESPONDENT

CORAM: HON'BLE MR.JUSTICE SANDEEP MOUDGIL.

Present: Mr. Aman Pal, Advocate, for the petitioner

Ms. Gurmeet Kaur, Senior Panel Counsel
for the respondent-UI.

SANDEEP MOUDGIL, J (ORAL)

The jurisdiction of this Court under Section 439 Cr.P.C., has been invoked for the grant of regular bail to the petitioner in a complaint bearing No.1, dated 03.03.2022, titled as **“Union of India vs. M/s Dr. Edwin Lab etc.”**, under Sections 32, 16, 17-A(f), 17-B(d), 18(a)(i), 18(a)(vi) & Section 18(c) of Drugs and Cosmetic Act, 1940 (for short ‘the Act’) read with Section 27(b)(1), 27(c), 27(d), 36-AC of the said Act.

The assertion raised by learned counsel for the petitioner is that the petitioner has been falsely implicated in the present case being the distributor and the petitioner cannot be made liable for having any knowledge as the manufacturing company is M/s Dr. Edwin Lab. It is further asserted that the petitioner had no knowledge about the contents of the product being spurious. He has also urged that since the case is based on documentary evidence which is already in possession of the prosecution and investigation stands completed and no useful purpose would be served by keeping the petitioner behind bars.

Learned Senior Panel Counsel appearing for the respondent-UI submits that admittedly the petitioner is a distributor of the manufacturing company i.e M/s Dr. Edwin Lab who manufactured hand sanitizers during COVID-19 pandemic which was not only of sub standard quality but also contained 77.43% v/v Methanol which is poisonous substance. It is further asserted that petitioner is one of the partner of the firm namely Sunita

Dhawan and Arushi Dhawan who had earlier filed applications for anticipatory bail which were dismissed on 17.02.2023. The petitioner being the part of the chain in manufacturing and supply of spurious drugs is equally responsible.

Be that as it may, nothing has been recovered from the petitioner and whatever has been recovered, is from the manufacturer M/s Dr. Edwin Lab as well as from the retailer Suraj Parkash Gupta owner of M/s Gupta Medical Hall, Phase-1, Mohali, who has already been granted the concession of regular bail by learned trial Court vide order dated 01.03.2023 (Annexure P-3).

In the light of above, at this stage without commenting upon the merits of the case, the petitioner being the distributor and not the manufacturer deserves the concession of bail.

The petitioner is ordered to be released on regular bail subject to his furnishing surety/personal bail bonds to the satisfaction of learned Special Judge, SAS Nagar (Mohali).

The present petition stands allowed in the afore-said terms

28th MARCH, 2023
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(SANDEEP MOUDGIL)
JUDGE

1. Whether speaking/reasoned?
2. Whether reportable?

Yes/No
Yes/No