

**208(2) IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****CRM M-15832-2023 (O&M)****Date of Decision: 08.08.2023**

Vinod Sehdev

.....Petitioner

Versus

Union of India

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Ms. Sehaj Sandhawalia, Advocate,
for the petitioner.

Ms. Sharmila Sharma, Sr. Panel Counsel,
for the respondent.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in complaint No. COMA/273/2022 dated 13.05.2022 filed under Sections 18(a)(i), 18(vi), 18(B), 18(c) read with Section 16 punishable under Section 27(d), 27(b)(ii), 28(A) of the Drugs & Cosmetics Act, 1940.

2. Allegations in brief are that sample of Nitromed-CR 6.4 mg was taken from the premises of petitioner i.e. Medical Store, M/s Military Hospital, Jalandhar Cantt. which on analysis by the Government Laboratory, was found to be ‘Not of Standard Quality’.

3. The Coordinate Bench of this Court vide order dated 28.03.2023, granted interim bail to petitioner and the same reads as under:-

“By relying upon Section 36-A C (b) of the Drugs & Cosmetic Act, 1940, it has been submitted that all the offences of which the petitioner is accused, are bailable except for the offence punishable under Section 28A. The offence under the said section

is compoundable as is evident from Section 32B of the Act. Thus, assuming that the petitioner is guilty of the alleged offences of which he is accused, his arrest is not justified.

Notice of motion.

Mrs. Sharmila Sharma, Sr. Panel Counsel, UOI accepts notice on behalf of the respondent and waives service and seeks time.

Adjourned to 29.05.2023.

The petitioner is directed to appear before the trial Court on 25.04.2023 and join proceedings. He is directed not to abscond from the trial except with the prior permission of the concerned Court.

Meanwhile, in the event of his arrest, he shall be released on bail to the satisfaction of the arresting officer.”

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, he has appeared before the learned trial Court and has been admitted to interim bail.

5. The above factual position is duly acknowledged by learned State Counsel, on instructions from quarter concerned.

6. In view of above, interim order dated 28.03.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.

7 Petitioner shall fully co-operate with the learned trial Court without seeking any unnecessary adjournments.

8 The above observations may not be construed as an expression of opinion on the merits of the case.

9 It is clarified that in case there is any misuse of concession of bail on the part of the petitioner, Union of India would be at liberty to move an appropriate application for recalling of this order.

10. Disposed off accordingly.

11. Pending criminal misc. application(s), if any, shall also stand disposed off.

08.08.2023
SN

(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable: Yes/No