

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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208

CRM-M-22530-2023

Date of Decision:14.09.2023

Krishan Kumar

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. A.P.S. Mann, Advocate  
for the petitioner.

Mr. Randhir Singh, Addl. AG, Haryana.

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**DEEPAK GUPTA, J.(ORAL)**

Prayer in this petition is for grant of anticipatory bail under Section 438 Cr.P.C in case FIR No.139 dated 13.03.2023 registered under Sections 15(2)(a) & (b) Indian Medical Council Act, 1956, Sections 336, 420, 120-B of the IPC and Sections 18A, 18(c) Drugs and Cosmetics Act, 1940 registered at Police Station Hodal, District Palwal.

On 05.05.2023, following order was passed:

*“Learned Senior counsel appearing for the petitioner inter-alia contends that the petitioner has been falsely implicated; the petitioner is a qualified BAMS Doctor and therefore, no case against him is made out under the Indian Medical Council Act, 1956 and under the Indian Penal Code, 1860 as also the Drugs and Cosmetics Act, 1940; in any case no recovery is required to be made from the petitioner; the petitioner has no other criminal antecedents; the petitioner has a settled practice in Ayurvedic Medicine for the last about 15 years; co-accused Amar Singh has been granted regular bail by the trial court and that only to show his bonafides and vehemently denying the accusations against him, the petitioner is also voluntarily willing to donate Rs.50,000/- to be used for the treatment of poor patients, with*

*the Registrar, PT. B.D. Sharma University of Health and Sciences, Rohtak, IndusInd Bank Branch at Madical Mor, Rohtak (Account No.151000000504, IFSC Code: INDB0000130).*

*Notice of motion.*

*Mr. Viney Phogat, DAG, Haryana, accepts notice on behalf of the respondent-State and prays for time to argue the matter.*

*Adjourned to 08.08.2023.*

*In the meanwhile, subject to the petitioner's joining investigation as and when called by the investigating agency as also abiding by the other conditions provided under Section 438 (2) Cr.P.C, in the event of his arrest in FIR No.139 dated 13.03.2023 registered under Sections 15(2)(a) and (b) of the Indian Medical Council Act, 1956, Sections 336, 420 and 120-B IPC and Sections 18-A and 18(c) of the Drugs and Cosmetics Act, 1940 at Police Station Hodal, District Palwal, Haryana, he shall be released on ad interim anticipatory bail to the satisfaction of the Arresting Officer.”*

As per information received by learned State counsel, it is conceded that petitioner has since joined the investigation. In view of the same and having regard to the factual position noticed earlier on 05.05.2023, the petition is allowed and the order dated 05.05.2023 granting interim anticipatory bail to the petitioner, is made absolute.

However, the petitioner shall continue to join the investigation as and when called upon to do so by the Investigating Agency and shall abide by the conditions of Section 438 (2) Cr.P.C.

( DEEPAK GUPTA )  
JUDGE

September 14, 2023  
Neetika Tuteja

Whether Speaking/reasoned Yes/No  
Whether Reportable Yes/No