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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-30109-2023 (O&M)

Date of decision : 16.08.2023

Balwan Singh

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Siddharth Sihag, Advocate,
for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioner in FIR No.472 dated 14.05.2023, under Sections 18(c) & 18A of the Drugs & Cosmetic Act, 1940; Section 15(2)(b) of the Indian Medical Council Act, 1956; and Sections 336 & 420 of the Indian Penal Code, 1860, registered at Police Station Sadar, District Hisar.

2. Above FIR was registered on the basis of application made by Dr. Navdeep Sindhu, MO CHC, Mangali, with the allegations that petitioner had stocked 31 types of allopathic drugs and 11 types of medical instruments without any authorization in this regard.

3. The Coordinate Bench on 17.07.2023, granted interim bail to petitioner and relevant part of the same is recapitulated as under:-

“Present petition has been filed under Section 438 Cr.P.C for the grant of anticipatory bail in respect of FIR No.472 dated 14.05.2023 under Section 18(c) & 18A of Drugs & Cosmetics Act, 1940 and 15(2)(b) of India Medical Council Act, 1956 and 336 & 420 IPC registered at Police Station Sadar, District Hisar.

Learned counsel for the petitioner submits that only the selling of the medicines recovered is an offence whereas, as of now, nothing has come on record that the petitioner was selling the medicines recovered and even otherwise, the allegations alleged against the petitioner in the FIR is yet to be proved during the trial. Learned counsel submits that as of now, nothing has to be recovered from the petitioner so as to require custodial interrogation and hence as the petitioner is ready to join the investigation and co-operate with the same, he be granted the concession of anticipatory bail.

Learned State counsel submits that though, the medicines and medical instruments have already been recovered but once it has come on record that the petitioner was storing the medicines and medical instruments concerned, the same were only for the purpose of selling otherwise there was no useful purpose for storing those medicines and medical instruments. Learned State counsel further submits that the details of the medicines and medical instruments and from where the petitioner had purchased and how come the petitioner came into the possession of those medicines and medical instruments without their being any license to keep the same are to be ascertained, hence the custodial interrogation of the petitioner is necessary.

I have heard learned counsel for the parties and have gone through the record with their able assistance.

Keeping in view the fact that the petitioner is ready to join the investigation and cooperate with the same even with respect to giving the details as to how the said medicines and medical instruments came into his possession, the purpose of investigation will be achieved in case the petitioner is directed to join the investigation and cooperate.

As the petitioner has undertaken to join the investigation and co-operate with the same, he has made out a case for the grant of anticipatory bail.

Petitioner is directed to join the investigation forthwith.

In the event of his arrest, he shall be released on interim bail to the satisfaction of the Arresting Officer/Investigating Officer on his furnishing bail bonds/surety bonds to his/her satisfaction subject to the following conditions:

i) That he shall make himself available for interrogation by the police officer as and when required.

(ii) That he shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing the said facts to the Court or to any police officer.

(iii) That he shall not leave India without prior permission of the Court.

(iv) That he shall abide by all the conditions as enshrined under Section 438 (2) Cr.P.C.

Adjourned to 16.08.2023.

It is, however, made clear that after the petitioner joins the investigation, in case any incriminating material comes against the petitioner, the respondent-State will be at liberty to file appropriate application seeking the custody of the petitioner in case, the same is needed.”

4. Contends that in terms of the aforesaid order, petitioner has already joined investigation and his custodial interrogation is not required.
5. Above factual position is duly acknowledged by learned State Counsel, on instructions from the police officer present in Court and further stated that custodial interrogation of the petitioner is not required at this stage.
6. In view of above, interim order dated 17.07.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
9. Disposed off accordingly.

16.08.2023
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(MAHABIR SINGH SINDHU)
JUDGE

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