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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-34891-2023 (O&M)

Date of decision: September 13, 2023

Sandeep Kumar

....Petitioner

versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARUN MONGA**Present:-** Mr. Deepender Singh, Advocate for petitioner.

Mr. Vikas Bhardwaj, AAG Haryana.

ARUN MONGA, J. (ORAL)

Petition herein is under Section 438 of Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of anticipatory bail to the petitioner in case FIR No.373 dated 22.09.2022, registered under Sections 420, 467, 468, 471, 120-B of the Indian Penal Code, 1860, at Police Station, Khedki Daula, District Gurugram.

2. Learned counsel for the petitioner *inter alia* submits that application for grant of permission for new Blood Center and its components processing is in the name and style of 'M/s Aarvy Blood Centre' c/o Aarvy Healthcare & Super Specialty Hospital, Gurugram, Haryana. The said Hospital/ Company is owned and controlled by Dr. Vikram Singh who is proprietor/ Director of 'M/s Aarvy Blood Centre' *ibid*. Petitioner has no concern with the alleged application for grant of permission submitted on behalf of company/ hospital to the Government authorities. No wrongful loss or gain has been caused to anybody. Also submits that Dr. Namita Mathur is an employee of M/s. Aarvy Healthcare & Super Specialty Hospital, Sector-90, Gurugram and all her qualifications/experience Certificate and Affidavits may have been submitted by her to her employer Dr. Vikram Singh and not to the Petitioner. The genuineness of these documents is best known to her or Dr. Vikram Singh and not to the Petitioner. During the process of analyzing the application for grant of license, the State Drugs Controller-cum-Licensing Authority, Food and Drugs Administration, Haryana, vide its Letter dated 29.08.2022 had asked for certain information/documents from M/s. Aarvy Blood Center, Gurugram, Haryana. Dr. Vikram Singh, vide email dated 15.09.2022,

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had requested the Govt. Authorities to stop the process of their Application due to non-availability of technical staff and keep the same on hold till the joining of new staff.

2.1. Learned counsel contends that pursuant to earlier order dated 25.07.2023 passed by this Court, petitioner has joined the investigation and has fully cooperated in the same.

3. Learned State counsel per his instructions from SI Mukesh Kumar, submits that petitioner has though joined investigation, but did not provide sample signatures to be compared with signatures, which have been put on the application seeking licence for setting up new Blood Center. Furthermore, he had also appended fake work experience certificate along with application and original of the same has also not been provided by the petitioner.

4. Confronted, learned counsel for petitioner submits that at no point, petitioner’s signatures were sought by the Investigating Agency. Petitioner is ready and willing to give his sample signatures as and when required either before investigating agency or before the trial Court, as the case may be. Further, he submits that *qua* original of the work experience certificate, the same was appended with the application itself and it has already been seized by the investigating agency. He submits that investigating agency can verify the same from the person/ organization, who issued the same.

5. In any case, the same is a matter of trial at this stage. Custodial interrogation of petitioner is not required.

6. In the premise, as far as this case is concerned, since custodial interrogation of petitioner is no more required, and he has already joined investigation and cooperated with the investigating officer, present petition is allowed. Order dated 25.07.2023 granting interim anticipatory bail to the petitioner is made absolute, subject to petitioner’s complying with provisions under Section 438(2) Cr.P.C.

7. Pending application(s), if any, shall also stand disposed of.

(ARUN MONGA)
JUDGE

September 13, 2023
mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No