

2023:PHHC:157501

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

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CRM-M-61793-2023

Date of Decision : **December 08, 2023**

SANDEEP PUGGAL

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Sant Pal Singh Sidhu, Advocate for the petitioner.

KULDEEP TIWARI. J.(Oral)

1. Through the instant petition filed under Section 438 Cr.P.C., prayer is made for the grant of pre-arrest bail, as the petitioner has apprehension of his arrest, because of the reason, that he has been summoned in a complaint case No. COMA/4839/2020 dated 19/21.10.2020 (Annexure P-1) titled as "State through Drugs Inspector, Barnala Vs. Amrinder Gupta and others".

2. While placing reliance upon Section 19(3) of the Drugs and Cosmetics Act, 1940 the learned counsel for the petitioner submits that he is a trader and, therefore, he cannot be held guilty for manufacturing of the drug, which is found to be 'not of standard quality'. Learned counsel for the petitioner further submits that the petitioner is ready and willing to appear before the learned trial Court concerned. He further places reliance upon para No.9(i) of the petition, which reads as under:-

“9(i) Because the petitioner is partner of M/s Logos Pharmaceuticals New Delhi. As per allegations, the drug was seized from the premises of SP Medicos owned by Sanjeev Kumar. Sanjeev Kumar stated that he had purchased the drugs from Sunshine Medicos, Sangrur. Amrinder Gupta owner of Sunshine Medicos

stated that he had purchased drug from M/s Logos Pharmaceuticals. When notice was received by the petitioner, he submitted his reply to the complainant by submitting the entire record that drug was purchased by him from M/s Universal Healthcare, 124 HPSIDC, Industrial Area, Baddi (HP) under a valid bill. So petitioner is not responsible for drug allegedly not standard quality.”

3. Notice of motion.
4. Mr. Karunesh Kaushal, AAG, Punjab, waives service on behalf of the respondent-State.
5. In view of the undertaking given by the learned counsel for the petitioner, on his behalf, the petitioner is directed to appear and surrender before the learned trial Court, within ten days from today and in case, the petitioner files any application for bail, the same shall be considered sympathetically by the learned trial Court on the same day. Till then, the arrest of the petitioner shall remain stayed only upto next ten days.
6. **Disposed** of accordingly.
7. In case the petitioner does not appear before the learned trial Court concerned within ten days from today, the interim relief granted today shall be deemed to be *ipso-facto* vacated, without any further reference to this Court.

(KULDEEP TIWARI)
JUDGE

December 08, 2023
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No