

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

CRM-M-30397-2023
Decided on : 31.01.2024

Gian Chand Petitioner

Versus
State of Haryana Respondent

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. R.S.Rai, Sr. Advocate with
Mr. Anurag Arora, Advocate and
Ms. Radhika Mehta, Advocate
for the petitioner.

Mr. Sanjeev Kumar, Addl. AG, Punjab.

Mr. Parminder Singh, Advocate
for the complainant.

Manjari Nehru Kaul, J.(Oral)

1. Instant petition has been filed by the petitioner seeking concession of regular bail in case FIR No.44 dated 08.02.2023 under Sections 304-A IPC (Challan presented under Sections 304, 419 and 420 IPC and Sections 15(2) and 15(3) of Indian Medical Council Act, 1956) registered at Police Station Taraori District Karnal.

2. Learned Senior counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in the instant case as there was nothing on record much less any scientific evidence from which it could be inferred that the daughter of the complainant had died on account of administration of any

medicine/injection by the petitioner. While drawing the attention of this Court to the compliance report dated 31.10.2023 filed by the State and the other documents annexed with it, learned Senior counsel has asserted that no common poison was detected in the samples as per FSL/histopathological report. Learned Senior counsel has further urged that a certificate qua the qualifications of the petitioner had also been obtained by the investigating agency during investigation and as per the certificate, the petitioner was authorised to administer medicines to his patients; no doubt, it was extremely unfortunate that the daughter of the complainant had died, however, the cause of death could not be attributed to the petitioner as there was no wrong doing on his part. Learned counsel has still further submitted that the petitioner has clean antecedents; he has been in custody since 11.02.2023 and even the challan stands presented, however, charges have not yet been framed. Hence, there is no likelihood of the trial concluding in the near future. Learned Senior counsel has thus, prayed for enlarging the petitioner on bail as no useful purpose would be served in keeping him behind bars.

3. Per contra, learned State counsel assisted by counsel for the complainant while opposing the prayer made by learned Senior counsel, on instructions, has not disputed the submissions made by the learned Senior counsel with respect to no common poison having been

detected as per the FSL/histopathological report received. However, it has been submitted that though the petitioner had claimed to be having a certificate issued by the Para Medical Council, Mohali, Punjab, however, the said certificate had not been submitted yet to the investigating agency; furthermore, the petitioner was not registered with the Haryana Medical Council, which was required in order for him to practice medicine in the State. Learned counsel for the complainant has also submitted that the petitioner had been getting various medicines, X-ray machine without obtaining the requisite permission, therefore, it is evident that he has shown uttered disregard for the rules and regulations.

4. I have heard learned counsel for the parties and perused the material placed on record.

5. In the instant case, after the investigation was concluded by the investigating agency, challan was presented on 21.04.2023. However, till date, the charges have not yet been framed. It has also not been disputed by the State counsel that the petitioner does not have any criminal antecedents. The prosecution has cited 24 witnesses, however, since charges have also not been framed till date, it is obvious that the trial would take considerable time to conclude. The petitioner has been in custody since 11.02.2023.

6. In the facts and circumstances as enumerated hereinabove coupled with the fact that the petitioner has clean antecedents, this Court deems it fit to extend the concession of regular bail to the

petitioner. Accordingly, the instant petition is allowed. The petitioner be admitted to bail on his furnishing bail/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.

7. However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

8. Needless to add, in case the petitioner misuses the concession of bail granted to him, the State would be at liberty to seek cancellation of the same.

31.01.2024
sonia

(MANJARI NEHRU KAUL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable :	Yes/No