



CRM-M-35886-2024 and other connected matters
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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Date of Decision:- 18.11.2024

- (1)

CRM-M-35886-2024

Jitender Kumar

...Petitioner

Vs.

State of Punjab

...Respondent
- (2)

CRM-M-36460-2024

Nisha Rani

...Petitioner

Vs.

State of Punjab

...Respondent
- (3)

CRM-M-36611-2024

Vidit Aggarwal

...Petitioner

Vs.

State of Punjab

...Respondent
- (4)

CRM-M-38035-2024

Sanjay Kumar Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. P.S. Dhaliwal, Advocate
for the petitioner in CRM-M-35886-2024.

Mr. Sumit Jain, Advocate with
Mr. Tarun Seth, Advocate
for the petitioner in CRM-M-36460-2024.



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Mr. Munish Mittal, Advocate
for the petitioner(s) in CRM-M-36611-2024 and
in CRM-M-38035-2024.

Mr. Kewal Singh, Addl. A.G. Punjab.

AMARJOT BHATTI, J.

1. All petitions, CRM-M-35886-2024, CRM-M-36460-2024, CRM-M-36611-2024 and CRM-M-38035-2024 as referred above arising out of common FIR are taken up together with consent of learned counsel for parties.
2. Petitioners – Jitender Kumar, Nisha Rani, Vidit Aggarwal and Sanjay Kumar Singh have filed separate petitions under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 for grant of anticipatory bail in FIR No. 325 dated 30.06.2024, under Sections 188, 420, 120-B of IPC (offence under Sections 467, 468, 471 IPC were added later on), registered at Police Station City Barnala, District Barnala.
3. As per the facts of case, on 30.06.2024 ASI Ranjit Singh and police party was on routine patrolling when at about 01:30 PM, he received secret information regarding accused Shishu Pal and others detailed in FIR that they were indulging in manufacturing of fake medicines besides manufacturing of licensed medicines such as Pregabalin-300 MG, which was prohibited medicine in District Barnala without Government's approval and they were also making some other illegal medicines and selling the same without bills, thus causing heavy financial loss to Government. It was further informed that on that day they were loading

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illegal medicines in large quantity in Mahindra Pickup bearing registration No. PB-65-AZ-9437 and if raid is conducted in premises of Alzan Pharmaceuticals Private Limited, Naiwala Road, Barnala, then huge recovery could be effected. On the basis of this information, rukka was sent to police station for registration of FIR. Drug Control Officer, District Barnala was apprised about the facts and circumstances of case with request to reach on the spot. Thereafter, raid was conducted. One Mahindra Pickup vehicle loaded with medicines was parked near main gate of factory. One person was standing nearby who disclosed his name as Sukhraj Singh. On seeing police party, three persons came namely Shishu Pal, Dinesh Bansal and Lovekush Yadav. They were made aware about the facts of case and were arrested. Investigation was carried out on the spot. Smt. Navjot Kaur, ZLA (Zonal Licensing Authority), Sangrur Zone alongwith her team also reached on the spot. DVRs installed in factory premises were taken into police custody. Drug team had taken over said Mahindra Pickup vehicle loaded with medicines and from inside the factory, 95060 capsule of Pregabalin-300 MG and other material were recovered and taken into possession as per rules. Value of medicines recovered was of ₹1.16 crore. It was revealed that forged rubber stamps with forged batch numbers affixed on medicines were taken into police possession. Firm making Pregabalin capsule is registered at Kandwal Lodhwan Road, Tehsil Nurpur, Kangra, Himachal Pradesh, whereas, said capsules were being manufactured in a concealed manner in the firm at Naiwala Road, Barnala. Drugs Control Officer, Barnala undertook separate

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proceedings and case property was taken over by them. Investigation was completed and thereafter, challan is also presented in Court.

4. Learned counsel for petitioner Jitender Kumar in CRM-M-35886-2024 argued that for the sake of arguments even if allegations of prosecution are considered, it is a case of offence falling under Section 18(c) of Drugs and Cosmetics Act, 1940. Learned counsel for petitioner referred to the provisions of Section 32 of the Drugs and Cosmetics Act, 1940, making it clear that there is a specific bar on registration of FIR for the offence punishable under Drugs and Cosmetics Act, 1940. Learned counsel for petitioner further argued that petitioner has been falsely implicated in present case. He was not a partner in a firm. He was appointed as Manager in company vide appointment letter dated 06.10.2021 (Annexure P-1) and was only working to take care of labourer being provided to company. He has no role in decision making as to what was to be manufactured in company. He is ready to join the investigation. Therefore, anticipatory bail petition filed by petitioner may be allowed.

In addition to aforesaid arguments, learned counsel for petitioner Nisha Rani in CRM-M-36460-2024 argued that present petitioner is wife of co-accused Shishu Pal and she was not an active Director in the company. She was having no role in day to day affairs of company and was having no knowledge regarding business activities carried out by her husband in factory. She is ready to join the investigation. Therefore, anticipatory bail petition filed by petitioner may be allowed.

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In addition to arguments advanced in CRM-M-35886-2024, learned counsel for petitioner Vidit Aggarwal in CRM-M-36611-2024 argued that petitioner was appointed as Admin Head in company vide appointment letter dated 31.03.2022 (Annexure P-1). It is alleged that no sale or purchase is being done through him. There is no record of purchase and selling of medicine in FIR. No recovery is to be effected from petitioner. He is ready to join the investigation. Therefore, anticipatory bail petition filed by petitioner may be allowed.

In addition to arguments advanced in CRM-M-35886-2024, learned counsel for petitioner Sanjay Kumar Singh in CRM-M-38035-2024 argued that petitioner was appointed as Manufacturing Chemist in company vide appointment letter dated 25.12.2020 (Annexure P-1). No sale/purchase was being done through petitioner and neither there is record of purchase of medicine or selling material in FIR. He is ready to join the investigation. Therefore, anticipatory bail petition filed by petitioner may be allowed.

5. On the other hand, learned counsel representing State opposed anticipatory bail petitions filed by all the petitioners. Detailed status report in all cases have been filed. It is confirmed that present petitioners have joined investigation in pursuance of orders passed in their respective cases. There is nothing on record to show that they are involved in other FIRs.

6. I have considered the arguments and have gone through the record carefully. As per the facts narrated in FIR, there are allegations against petitioners that they were manufacturing prohibited objectionable



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medicines without any permit or license in premises of Alzan Pharmaceuticals Private Limited, Naiwala Road, Barnala. As per the facts, recovery is already effected. Petitioners have joined investigation. Co-accused Shishu Pal who was allegedly main accused has been granted regular bail in CRM-M-48099-2024 vide order dated 07.11.2024. No purpose would be served by sending them behind the bars. They are ready to abide by terms and conditions of bail order. In the light of this, anticipatory bail petitions i.e. **CRM-M-35886-2024, CRM-M-36460-2024, CRM-M-36611-2024 and CRM-M-38035-2024** filed by **petitioners respectively are accordingly, allowed.** They be not arrested. In case of their arrest, they be released on bail to the satisfaction of Arresting/Investigating Officer concerned, subject to condition that petitioners will join investigation as and when required. They will not tamper with or interfere with investigation and will not leave country without prior permission as provided under Section 482(2) BNSS, 2023.

7. Pending miscellaneous application(s), if any, in all cases, stand disposed of accordingly as well.

18.11.2024
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(AMARJOT BHATTI)
JUDGE

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