

In the High Court for the States of Punjab and Haryana
At Chandigarh

CRM-M-38746-2024 (O&M)
Date of Decision:-24.9.2024

Mamta

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Brijesh Panchal, Advocate with
Mr. Jeetender Kumar, Advocate and
Mr. Ashok Giri, Advocate for the petitioner.

Mr. Munish Sharma, DAG, Haryana.

FIR No.	Dated	Police Station	Section/s
240	14.6.2024	Narnaund, District Hansi	15(2), 15(3) of Indian Medical Council Act, 1956, Sections 18(A), 18(C), 27(B)(II) of Drugs & Cosmetic Act, 1940 and Sections 336, 420 of Indian Penal Code

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of the aforementioned FIR.
2. As per the case of prosecution, on 14.6.2024 Mamta (petitioner) was apprehended by the police as she was found to be running a clinic illegally. It is the case of prosecution that Mamta was practicing as an unregistered medical practitioner and had also stocked medical instruments and huge quantity of allopathic drugs though she was not authorized for the same. It is further the case of prosecution that upon being asked, the aforesaid Mamta



could not produce any valid degree or any other document authorising her to practice as a registered medical practitioner or to stock the drugs in question.

3. Status report by way of affidavit of Shri Raj Singh, HPS, Deputy Superintendent of Police, Narnaund has been filed by learned State counsel, which is taken on record.
4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the present case. It has further been submitted that as a matter of fact the entire proceedings are in nullity inasmuch it is only the Special Court, which could have taken cognizance and where the trial could have proceeded against the petitioner, whereas the trial is proceeding before a Magistrate, which is not as per the scheme of Indian Medical Council Act, 1956 and Drugs & Cosmetics Act, 1940.
5. On the other hand, learned State counsel submitted that the present case is not a case of recovery of any spurious drugs but is a case where the petitioner is found to be a quack and is not having any valid license to practice but was found to be practicing as a medical practitioner without any authorization or license and was also found to have stocked medical instruments and huge quantity of drugs. Learned State counsel further submitted that the case of the petitioner would not be covered under provisions of Section 36(AB) of Drugs & Cosmetics Act, 1940 and, as such, would be triable by a Court of Magistrate only, where the matter is pending. Learned State counsel, however, informed that the petitioner as on date has been behind bars since the last more than 3 months and is not involved in any other case.
6. This Court has considered the rival submissions addressed before this Court.



7. Without commenting anything as regards merits of the case but having regard to the fact that the entire investigation is complete and the petitioner has been behind bars since the last more than 3 months and otherwise has a clean record, further detention of the petitioner will not serve any useful purpose as conclusion of trial is likely to consume time.
8. The instant petition, as such, is accepted and the petitioner is ordered to be released on bail subject to her furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

24.9.2024

Pankaj

(Gurvinder Singh Gill)
Judge

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