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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M- 52778-2024

Date of Decision:-19.11.2024

SADIQ MOHD

... PETITIONER

Versus

STATE OF PUNJAB

... RESPONDENT

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Imran Farooqi, for the petitioner.

Mr. Ankit Grewal, DAG, Punjab.

SANJIV BERRY, J (ORAL)

By way of the present petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS), the petitioner is praying for anticipatory bail in the event of arrest in FIR detailed as under (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
144	05.10.2024	420, 465, 468, 471, 120-B IPC	City Malerkotla, District Malerkotla

2. Arguments heard.
3. It is, *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case. He contends that petitioner has no concern with the alleged crime. He contends that the petitioner is ready to join the investigation, as such, he prays for grant of concession of anticipatory bail to the petitioner.



4. *Per contra* learned State counsel referring to the reply submitted by the State has assailed these arguments by submitting that the petitioner and co-accused Beant Singh after taking money prepared forged Dope Test reports of peoples for obtaining Arms License and in this regard complaint has been filed by Dr. Jyoti Kapoor, B.T.O, Civil Hospital, Malerkotla and after inquiry, FIR was registered. He submits that petitioner has been the active member of the gang preparing fake dope test report and his custodial interrogation is required to unearth the *modus operandi* of the crime, as such he is not entitled for concession of bail. Hence, he prays for dismissal of the present petition.

5. After considering the arguments and perusing the record, it transpires that as per the case of the prosecution on 30.05.2023, Dr. Jyoti Kapoor, Pathologist at Civil Hospital Malerkotla sent a letter to the Senior Medical Officer, Civil Hospital, Malerkotla informing him that she was doing duty for Dope Test for obtaining Arms Licence and for the last few months 23 Dope Test Reports for firearm licenses were received from the office of the Deputy Commissioner (DC), Malerkotla for verification and out of them 15 reports were found to be correct and 8 reports were identified as fake and the said letter had been forwarded by Senior Medical Officer, Civil Hospital Malerkotla vide letter No. 2573 dated 13.06.2023 to SSP, Malerkotla for taking action. The letter was further forwarded to SHO, Police Station City-1, Malerkotla to inquire into the matter. In the meanwhile three persons namely Mohd. Jameel, Abdul Rehman and Dilbar Khan presented an application before the SSP, Malerkotla for taking action against the gang involved in the forged dope test. Inquiry was conducted and during investigation it was found that Sadiq Mohammad present petitioner was working privately to assist the



case in Civil Hospital, Malerkotla, due to which he used to visit the Civil Hospital, Malerkotla. The person who wanted to conduct Dope Test used to meet the petitioner, who after receiving money from such persons, got prepared the receipt and submitted the Dope Test Forms in the Lab with the help of one Beant Singh who was assigned Dope Test Duty in the Government Hospital, Malerkotla and petitioner used to pay half amount of the total amount so received to Beant Singh and after preparing the Dope Test Reports “negative” the same was handedover to the concerned persons. On these allegations FIR was registered.

6. It was further transpired that the petitioner and co-accused Beant Singh were specifically named in the FIR and petitioner was found claiming himself as official of the Civil Hospital and used to collect urine samples and with the help of co-accused Beant Singh prepared fake dope test reports and charged money from the persons obtaining arms licence. Therefore, considering the nature and gravity of offence and also the fact that custodial interrogation of the petitioner is required to unearth the *modus operandi* of preparing fake dope test reports and to recover the money received for that purpose, no case is made out in favour of the petitioner for grant of anticipatory bail in the present petition, the same is hereby dismissed.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

(SANJIV BERRY)
JUDGE

19.11.2024

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i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No