



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-29026-2025
DECIDED ON: 23.05.2025

JONNY MEHTA

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Dr. Pankaj Nanhera, Advocate,
Mr. Yogesh Vashishtha and Mr. Aman Mehta, Advocates
for the petitioner.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked under Section 482 of Bharatiya Nagarik Suraksha Sanhita 2023 (BNSS-2023) for granting the concession of anticipatory bail to the petitioner in Complaint case number 1, DD entry no. 055, dated 07.05.2025 (Annexure P-1) under Sections 18(a), 18-A, 17, 17A, 17B of the Drugs and Cosmetics act, 1940, registered at Police Station City Fatehabad, Haryana,

2. Brief facts of the present case unfolds as under:-

“In brief, the complainant’s case is that on 23.01.2024, six types of drug samples were purchased from Jonny Mehta, son of Jugal Kishore Mehta, who is a partner in M/s Multitask Pharma, located in Tower Wali Gali, Yog Nagar, Fatehabad, District Fatehabad. Out of these, two samples—sample no. DKNF/24/07 and DKNF/24/12—were found to be "not of standard quality." Specifically, sample no. DKNF/24/07 (Dicef-AZ Tablet) contained no Azithromycin against a

claimed 250 mg per tablet and no Anhydrous Cefixime against a claimed 200 mg per tablet. Similarly, sample no. DKNF/24/12 (Divcef-O LB Tablet) contained no Anhydrous Cefixime or Ofloxacin, despite claims of 200 mg of each per tablet. These samples were purchased from Jonny Mehta. Jonny Mehta is an active partner along with co-accused Sumit Kumar in M/s Multitask Pharma. On 02.05.2025, original copies of the respective test reports and show cause notices—no. DCO/FTD/2025/269 and DCO/FTD/2025/272, both dated 01.05.2025—were served to Jonny Mehta and Sumit Kumar. They were directed to submit their replies, and acknowledgments of the notices were recorded and shared with the State Drugs Controller, FDA Haryana, and the Senior Drugs Control Officer, Sirsa Zone. On the same day, both partners submitted written replies along with purchase bills for the drugs, disclosing that the medicines had been procured from M/s HM Medicare, Vikas Nagar, Rohtak (Haryana). However, they failed to provide the complete distribution records for the drugs in question, which had been declared spurious. Based on this disclosure, letters were sent on 02.05.2025 to M/s HM Medicare, Vikas Nagar, Rohtak—letter no. DCO/FTD/2025/279 for sample no. DKNF/24/07 and letter no. DCO/FTD/2025/282 for sample no. DKNF/24/12. However, both letters were returned undelivered on 07.05.2025, with postal remarks indicating that no such shop existed under the name "HM Medicare" at the given address. Treating the matter seriously under Section 17B of the Drugs and Cosmetics Act, 1940, Mr. Dinesh Kumar, Drugs Control Officer, Fatehabad-I, wrote to Ms. Anita Bharti, Drugs Inspector, Food Safety and Drugs Administration, Haridwar, Uttarakhand, via letter no. DCO/FTD/2025/297 dated 05.05.2025. He also informed the State Drugs Controller, Haryana, seeking verification of the existence of the manufacturer M/s JMH Pharma, Plot No. 82, Haridwar Road, Bhagwanpur. In response, Ms. Anita Bharti, through the State Drugs Controller, confirmed via letter dated 07.05.2025 that no such firm exists at the stated address. In

light of the above, accused Sumit Kumar was arrested on 07.05.2025 under Sections 18(a)(i), 18-A, 17, 17A, and 17B of the Drugs and Cosmetics Act, 1940 for selling spurious drugs. He was apprehended at M/s Multitask Pharma in Yog Nagar, Fatehabad, which falls under the jurisdiction of Police Station City, Fatehabad. At the time of arrest, he was found sitting at the shop. Upon being asked to call a family member, his father, Sh. Subhash Chander (son of Mool Chand), arrived on the spot. Sumit Kumar was searched in the presence of his father and independent witnesses—Sh. Manoj Kumar (Municipal Councillor), son of Satish Kumar, residing in Sunder Nagar, Ward No. 11, near Hanuman Mandir, Fatehabad, currently living in Yog Nagar, and Mr. Dheeraj Khatak, Drugs Control Officer, Fatehabad-II. A formal search memo was prepared and recorded accordingly.

3. **Contention**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner is doing the business under the title M/s Multitask Pharma, Tower Wali Gali, Yog Nagar, Fatehabad, District Fatehabad having GST No.06ABWFM0911H1Z6 and refers to Annexure P-2 i.e. registration Certificate, which is valid from 18.04.2023 as regular registration and therefore, is running approved centre with the authorized partners namely Sumit Kumar and Johny Mehta as its true authorized partners/managers.

He would further contend that qua the alleged drugs which are questioned in the complaint dated 07.05.2025, he is having due purchase bill and e-way bill dated 24.12.2023 (Annexure P-4) from the above named manufacturer and, therefore, lodging of DDR No.055, dated 07.05.2025 as a complaint case is absolutely an abuse of process of law having no cogent material or incriminating evidence to support the case of the complainant.

Notice of motion.

On behalf of the State

On the asking of the Court, Mr. Chetan Sharma, DAG, Haryana accepts notice on behalf of the respondent-State, who opposes the grant of anticipatory bail to the petitioner on the ground that during the inquiry, it was found that there is no firm available in the name of M/s H.M. Medicare, Vikas Nagar, Rohtak for which alleged purchase bill and e-way bill has been produced by the petitioner and the same are anti-dated and forged documents. When countered with another fact as preferred by the petitioner that on an earlier occasion as well he was involved in the case of storing spurious drugs in his store for the purpose of sale, he has got anticipatory bail and the manufacturer of which are also M/s H.M. Medicare, Vikas Nagar, Rohtak and the address of which is evident from the said purchase bill attached to the present petition at Annexure P-4 in the form of GST Invoice dated 24.12.2023 which has the complete address of the said firm and the signature of its authorized signatory on the same bearing GSTIN number as well.

Mr. Sharma, learned DAG, Haryana though would submit that he will get the aforesaid fact verified again since the Drug and Cosmetic Inspector has made an attempt by postal correspondence on which it was reported that no such firm exists in the name of M/s H.M. Medicare at that address whereas it is highly unbelievable to digest that the Fatehabad office could not send somebody to inquire about the manufacturer firm at Rohtak, which is hardly 110 kms away.

4. **Analysis**

Be that as it may, considering the discussions made hereinabove and the fact that submission of learned State counsel is not convincing to this Court to decline the grant of anticipatory bail to the petitioner, this Court is of the considered view that the petition deserves to be allowed.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to her joining investigation with the Investigating Officer concerned within a period of one week from today, on furnishing of personal/surety bonds to his satisfaction. The petitioner shall also abide by the terms and conditions as envisaged under Section 482(2) of BNSS, which are reproduced below:-

‘When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-

(i) a condition that the person shall make himself available for interrogation by a police officer as and when required;

(ii) a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(iii) a condition that the person shall not leave India without the previous permission of the Court;

(iv) such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.’

However, it is made clear that in case the petitioner does not comply with the aforesaid direction of joining the investigation within a

period of one week, the order passed by this Court today shall automatically stands cancelled.

In the aforesaid terms, the present petition stands allowed.

23.05.2025

Poonam Negi

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No