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2025:PHHC:076209



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

**CRM-M-32598-2025  
DECIDED ON: 17.06.2025**

**PAWAN KUMAR****.....PETITIONER****VERSUS****STATE OF HARYANA****.....RESPONDENT****CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Ramesh Sharma, Advocate and  
Mr. Manoj Kumar, Advocate  
for the petitioner.

**SANDEEP MOUDGIL, J (ORAL)**

**1. Relief sought**

The jurisdiction of this Court has been invoked under Section 482 of BNSS 2023 for grant of anticipatory bail to the petitioner in case bearing FIR no.36 dated 31.01.2025 u/s 61, 318 (4), 277, 125 of the Bharatiya Nyaya Sanita (BNS), 2023, Section 15 (2) (B) of Indian Medical Council Act, 1956 (lateron offence u/s 15 (3) (B) of Indian Medical Council Act, 1956 added), PS Dabwali Sadar, Police Distt. Dabwali, Distt. Sirsa.

**2. Prosecution story setup in the present case as per the version in the FIR as under:-**

*“On dated 31.1.2025 as per order (verble) from covid surgeon Sirsa, SMO, SDCH Dabwali ordered myself to assist special staff incharge SI Sube Singh and his team as per information from higher authorities regarding selling of Narcotics and banned drugs present in Kamboj Health Care*

*Abubshahar runned by Kashmir Singh and Raj Kumar (father and son). SI Sube Singh his team alongwith found. He following drugs present in the premises of above mentioned person. 1. Tepantadol 100mg 1500 No. Batchno. mentioned No Expiry date mentioned. 2. Tepantadol 100 mg 120 calsidol 100se batch no.RSTA 2412033 Expiry 11/2026. 3. Tepantadol 100 mg (Zapdol 100sr) 22 batch no.NBTA 241105 Expiry 11/2026. 4. Pregablin 300 mg (Signore) 384 Batchno. C-2407031 Expiry 06/2026. 5. Pregablin 150 mg (calvin 150) 1281 batch no.c-2407031 Expiry 06/2026. 6. Gabapetin 300 mg (sirobest) 300 batch no.APD-A 24008 Expiry 12/2025. 7. Olanzapine 5 mg (relax 5) 1109 batch no.OS-220914 Expiry 08/2024. Kashmir Singh and Raj Kumar asked for valid license for practicing allopathy. They both failed to produce document. As Raj Kumar had BAMS degree but not valid to practice allopathy. So, recommended to book them under IMC Act 15 (1), 15 (2) Section 318 BNS for delivery service to be the parties and also recommended to book them under Drug and Cosmetic Act as per rules. The above mentioned drugs are sealed handed over to the police sd. Dr. Harsimran 31.01.2025. Dr. Harsimran Singh ASMO SOD Dabwali team whom assisted I SI Sube Singh 55/FTB Sd Sube Singh SI. 2. EASI / HC Vijay Singh DWI Sd Vijay Singh dt. 31.1.2025.”*

### 3. Contention

#### On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner is doing the wholesale business of medicine for the last 10 years having valid GST No.08BLHPK5285Q1Z8 in the name of ‘Pawan Agency’, Hanumangarh Town, Rajasthan and has no concern with the drugs alleged to have been recovered from the shop. He further contends that neither the allegation of selling the said contraband to co-accused persons was established as no recovery of such drug could be effected from the present petitioner. The petitioner is

ready and willing to join the investigation and cooperate with the investigation officer concerned, as has been undertaken before this Court by learned counsel for the petitioner.

Notice of motion.

**On behalf of the State**

On the asking of the Court, Ms. Mayuri Lakhanpal Kalia, DAG, Haryana accepts notice on behalf of the respondent-State, who opposes the grant of anticipatory bail to the petitioner on the ground that 2-3 persons used to visit the petitioner's shop, where illegal sales were being conducted by the petitioner, which is reproduced hereinbelow:-

1. Tepantadol 100mg 1500 No Batch no.mentioned No Expiry date mentioned.
2. Tepantadol 100 mg 120 calsidol 100se batch no.RSTA 2412033 Expiry 11/2026.
3. Tepantadol 100 mg (Zapdol 100sr) 22 batch no.NBTA 241105 Expiry 11/2026.
4. Pregablin 300 mg (Signore) 384 Batch no. C- 2407031 Expiry 06/2026,
5. Pregablin 150 mg (calvin 150) 1281 batch no.c-2407031 Expiry 06/2026.
6. Gabapetin 300 mg (sirobest) 300 batch no.APD-A 24008 Expiry 12/2025.
7. Olanzapine 5 mg (relax 5) 1109 batch no.OS-220914 Expiry 08/2024.

She seeks custodial interrogation of the petitioner to uncover the names of the above-said 2-3 individuals involved in the commission of the offence.

4. **Analysis**

Be that as it may, considering that there is no evidence or any other convincing material to support the prosecution's claim that the petitioner was involved in selling such drugs/medicines to any individuals

who allegedly visited his shop for that purpose, and also taking into account the undertaking given before this Court by learned counsel for the petitioner that the petitioner is ready and willing to join the investigation and cooperate with the investigating officer, this Court is of the opinion that the present petition deserves to be allowed.

5. **Relief**

In the light of above, the petitioner is directed to be released on anticipatory bail subject to his 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.

17.06.2025

*Poonam Negi*

(SANDEEP MOUDGIL)  
JUDGE

*Whether speaking/reasoned*  
*Whether reportable*

*Yes/No*  
*Yes/No*