

CRM-M-36680-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-36680-2025
Reserved on: 01.08.2025
Pronounced on: 13.08.2025

Sangat Singh ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Naveen Batra, Advocate
for the petitioner.

Dr. Jasmine Gill, AAG, Haryana.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
175	15.05.2025	Sadar Fatehabad, District Fatehabad	3, 4, 5 of MTP Act 1971, 18A, 18B, 18C, 28A of the Drugs and Cosmetics Act 1940, 123, 125 of BNS, Sections 3 & 7 of Essential Commodities Act 1955 and DPCO Act 2013

1. The petitioner incarcerated in the FIR captioned above had come up before this Court under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, [BNSS], seeking regular bail.
2. In paragraph 13 of the bail petition, the petitioner declares that he has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

“That the brief facts of the case are that on 14.05.2025 SI Praveen Kumar No. 134, posted at Police Station Sadar Fatehabad, was on patrolling duty near the Bhardana Bus Stand During the course of duty, a telephonic message was received from the MHC of the police station, informing that at "Sangat Medicos", located in Village Aherwan, Dr. Nirpal Chand, Nodai Officer (Family Welfare), Fatehabad, along with his official team,

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*had apprehended Sangat Singh (petitioner-accused) son of Pritpal Singh, resident of village Aherwan, while he was found selling MTP Kits to a bogus customer for the purpose of unlawful termination of pregnancy in contravention of the law. It was further informed that ASI Jaidev No.14 and SI Sandeep No. 769 were already present on the spot, and all parties had now moved to PHC Aherwan. Upon this information, SI Praveen Kumar reached PHC Aherwan, where, he met Dr. Nirpal Chand his team members, petitioner-accused Sangat Singh and the police officials. Dr. Nirpal Chand submitted a written complaint to SI Praveen Kumar along with Spot Memo; Office Order of the team's constitution; Seizure and sealing memo; Sample seal Screenshot of payment receipt made via PhonePe; On-the-spot statement of the bogus customer Mohit Kumar; Photocopy of drug license of the shop; recovered MTP Kit sealed with seal DVD/2; One mobile phone and all the articles were taken into police possession vide seizure memo. In the complaint, it has been alleged by Dr. Nirpal Chand (complainant) that acting on secret information received by the Civil Surgeon, Fatehabad, regarding illegal sale of MTP Kits at Sangat Medicos, Aherwan, a team was constituted comprising (1) Dr. Nirpal Chand, Nodal Officer (FW), Fatehabad, (2) Sh. *Dheeraj Khatak, Drug Control Officer, Fatehabad-II, (3) Dr. Navjot Singh, Medical Officer, PHC Aherwan and at around 02:30 PM, a decoy customer was sent to Sangat Medicos with Rs. 1000/- in cash under surveillance. The decoy posed as someone whose girlfriend was pregnant and requested abortion medicine. The shop operator, Sangat Singh (petitioner-accused) agreed to sell the MTP Kit for Rs. 1000/-. He went to the rear side of the shop, brought a kit from a box and also explained the usage method to the decoy. Thereafter, The petitioner-accused Sangat Singh received Rs. 1000/- through PhonePe from the decoy's mobile No. 99923-55456 to his PhonePe No.80532-66214. Upon completion of the transaction, the decoy signaled the team, and then team raided the shop. During inspection: the CCTV camera installed at the shop was found switched off. The team seized one MTP Kit (Combipack of Mifepristone and Misoprostol tablets, Mfg. Date: 02/2025, Exp. Date: 01/2027, M.R.P. Rs. 478.01/-, Master Batch No. SNA25005, Batch A: M25SHTA072, Batch B: M25SHTA068). The accused failed to produce any purchase invoice or source of procurement for the said kit. A screenshot of the online transaction was retrieved from the mobile phone of the petitioner-accused Sangat Singh. Upon police arrival, a spot memo was prepared. The premises of Sangat Medicos were sealed and the shop keys were handed over to the father of the accused. Due to the presence of a large crowd at the site, no*

independent witness could be found. The petitioner-accused was handed over to the police at PHC Aherwan for further action. In light of the aforementioned facts, complainant has requested registration of a case against petitioner-accused Sangat Singh". On the complaint of complainant, present case has been registered against the petitioner-accused Sangat Singh for the offences punishable u/s 3, 4, and 5 of the Medical Termination of Pregnancy Act, 1971; Sections 18A, 18B, 18C and 28A of the Drugs and Cosmetics Act, 1940; sections 123 and 125 of the Bharatiya Nyaya Sanhita, 2023 (BNS); Sections 3 and 7 of the Essential Commodities Act, 1955 provisions of DPCO, 2013 punishable under Section 7 of the Essential Commodities Act and investigation was carried out."

4. The petitioner's counsel prays for bail by imposing any stringent conditions and contends that further pre-trial incarceration would cause an irreversible injustice to the petitioner and their family. Counsel further submits that the petitioner would have no objection whatsoever to any stringent conditions that this Court may impose, including that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State may file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and may do so at their discretion, to which the petitioner shall have no objection.

5. The State's counsel opposes bail and refers to the reply.

6. It would be appropriate to refer to the following portions of the reply, which read as follows:

"12. THAT ROLE AND INCRIMINATING EVIDENCE AGAINST THE PETITIONER IS AS UNDER

That present petitioner-accused Sangat Singh operator of Sangat Medicos, Aherwan is the primary accused in this case. The petitioner is accused of illegally selling MTP Kits, which are potent drugs meant for medical termination of pregnancy. Petitioner engaged with a decoy customer Mohit, quoted a price, retrieved the MTP Kit and received payment of Rs. 1000/- via PhonePe and he was caught red-handed by the official team while selling MTP Kit to said bogus customer. There is a crucial piece of physical evidence i.e. Combipack of Mifepristone and Misoprostol tablets. Moreover, digital evidence of the illegal transaction from the decoy's mobile to Sangat Singh's PhonePe number is also available on record. During raid, petitioner could not provide any purchase invoice or source of procurement for the seized MTP Kit."

REASONING:

7. There is sufficient prima facie evidence connecting the petitioner with the alleged crime. However, pre-trial incarceration should not be a replica of post-conviction sentencing. Per paragraph 7 of the bail petition, the petitioner has been in custody since 14.05.2025 and accordingly his custody in this FIR is approximately three months.

8. The offence involved does not attract a massive sentence, and even otherwise, the petitioner’s custody is too much. The amount involved was also quite insignificant in comparison to the petitioner's custody, which he has already undergone.

9. Given the penal provisions invoked viz-a-viz pre-trial custody, coupled with the prima facie analysis of the nature of allegations, and the other factors peculiar to this case, there would be no justifiability for further pre-trial incarceration at this stage.

10. Without commenting on the case's merits, in the facts and circumstances peculiar to this case, and for the reasons mentioned above, the petitioner makes a case for bail.

11. Given above, provided the petitioner is not required in any other case, the petitioner shall be released on bail in the FIR captioned above subject to furnishing bonds to the satisfaction of the concerned Court and due to unavailability before any nearest Ilaqa Magistrate/duty Magistrate. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, such surety can produce the accused.

12. While furnishing a personal bond, the petitioner shall mention the following personal identification details:

1.	AADHAR number	
2.	Passport number (If available) and when the attesting officer/court considers it appropriate or considers the accused a flight risk.	
3.	Mobile number (If available)	
4.	E-Mail id (If available)	

13. This order is subject to the petitioner’s complying with the following terms.

14. The petitioner shall abide by all statutory bond conditions and appear before the concerned Court(s) on all dates. The petitioner shall not tamper with the evidence, influence, browbeat, pressurize, induce, threaten, or promise, directly or indirectly, any witnesses, Police officials, or any other person acquainted with the facts and circumstances of the case, or dissuade them from disclosing such facts to the Police or the Court.

15. The significant consideration for granting bail is that the Court aims to give the petitioner another chance to course-correct, reform, and reintegrate into the community as

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an ideal citizen. To ensure that the petitioner also abides by the assurance made on the petitioner's behalf by not repeating the offence or indulging in any crime, it shall be desirable to impose the following additional condition.

16. This bail is conditional, with the foundational condition being that if the petitioner repeats the offense or commits any non-bailable offense which provides for a sentence of imprisonment for more than seven years, the State shall file an application to revoke this bail before the concerned Court having jurisdiction over this FIR, which shall have the authority to cancel this bail, and as per their discretion, they may cancel this bail.

17. Any observation made hereinabove is neither an expression of opinion on the case's merits nor shall the trial Court advert to these comments.

18. A certified copy of this order would not be needed for furnishing bonds, and any Advocate for the Petitioner can download this order along with case status from the official web page of this Court and attest it to be a true copy. If the attesting officer wants to verify its authenticity, such an officer can also verify its authenticity and may download and use the downloaded copy for attesting bonds.

19. **Petition allowed** in terms mentioned above. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

13.08.2025
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Whether speaking/reasoned: Yes
Whether reportable: No.