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CRM-M-24044-2026

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-24044-2026

Date of decision: 13.05.2026

DALBIR KAUSHIK

....Petitioner

Versus

STATE OF HARYANA

....Respondent

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Sunil Sheoran, Advocate for the petitioner.

Ms. Shaveta Sanghi, DAG Haryana.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. Prayer in the instant petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is for grant of anticipatory bail to the petitioner in FIR No.72 dated 16.04.2026 registered under Sections 318(4), 3(5) of BNS, 2023 and Section 22(1)d of Drugs and Cosmetics Act, 1940 registered at Police Station Industrial Area Bhiwani, District Bhiwani.

2. Brief facts of the present case are that, the petitioner was cheating innocent people by running an unauthorized clinic without any valid certificate or professional degree. Hence, the present FIR.

3. Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case and he has no concern with the said offence. He submits that the petitioner possesses a degree of BAMS issued to him by the National Alternative Medicine Board, Patna.



process of de-sealing as he being a heart patient had left for check-up after handing over the keys of the premises to the DCO team and if any seizure memo was shown by the team the same is not valid as per provisions contained in Drugs and Cosmetics Act, 1940. He further submits that no recovery has been effected from the petitioner nor any drugs or illegal substance was recovered from the premises. He submits that in fact, the petitioner after coming to know about the de-sealing of the premises had personally visited the office of the Drugs Controller Officer, Bhiwani and handed over all documents related to his profession. He further submitted that the petitioner has clean antecedents as he is not involved in any other case. No recovery is to be effected from him. Learned counsel further submits that the petitioner is ready and willing to join the investigation as and when called upon to do so by the investigating agency. Therefore, it is urged that the petition deserves to be allowed.

4. After registration of the FIR, investigation has been initiated and is under way. Apprehending his arrest, the petitioner had moved an application for grant of anticipatory bail which has been dismissed by learned Additional Sessions Judge, Bhiwani vide order dated 23.04.2026.

5. Learned State counsel has filed the status report, who, relying upon the same, has vehemently opposed the petitioner's prayer for bail. It is submitted that the offence allegedly committed by the petitioner is serious in nature. The learned counsel further contends that the petitioner was running an unauthorized clinic without having any valid certificate or professional degree authorizing him to do such medical practice and was



valid drug licence or registration for stocking/dispensing medicines was available with the petitioner. She further submits that custodial interrogation of the petitioner is essential for effective investigation in the matter. On these grounds, the learned State counsel has prayed for dismissal of the present petition.

6. Heard.

7. The allegations levelled against the petitioner are serious in nature. The petitioner was running an unauthorized clinic without possessing any valid qualification and without holding any valid licence for stocking or dispensing medicines. The material collected during investigation prima facie indicates that the petitioner was indulged in medical practice in violation of the provisions of the Drugs and Cosmetics Act, 1940 and thereby endangering public health and safety at large. Such illegal practice amounts to playing with the health and lives of vulnerable patients who repose trust in medical practitioners expecting professional treatment. The unauthorized administration of medical advice, diagnosis, and treatment by an unqualified person can lead to irreversible health complications, loss of life, and widespread public harm. The gravity of the offense is further aggravated by the fact that the petitioner continued to hold himself out as competent to provide medical care despite lacking the requisite education, certification, and statutory approval mandated under law. Such acts undermine the integrity of the healthcare system, erode public confidence in genuine medical professionals, and warrant strict judicial scrutiny and deterrent action in the larger interest of public



Court is required to consider the overall nature of offence and accusations against the accused, the manner of occurrence, the gravity of offence and the potential impact of granting pre-arrest protection to the petitioner, at this stage. Granting anticipatory bail to the petitioner with such allegations, at this preliminary stage, would not be justified as it may affect the course of fair investigation and undermine the seriousness of the alleged act. Considering the gravity of the allegations, the custodial interrogation of the petitioner is necessary for effective investigation in the matter.

8. It is befitting to mention here that while considering a plea for grant of anticipatory bail, the Court has to equilibrate between safeguarding individual rights and protecting societal interest(s). The Court ought to reckon with the magnitude and nature of the offence; the role attributed to the accused; the need for fair and free investigation as also the deeper and wide impact of such alleged iniquities on the society. It would be apposite to refer herein judgment of Hon'ble Supreme Court in '**State Vs. Anil Sharma', (1997) 7 SCC 187**, wherein it has been held as under:

"6. We find, force in the submission of CBI that custodial interrogation is qualitatively more elicitation-oriented than questioning a suspect who is well-ensconced with a favourable order under Section 438 of the Code. In a case like this, effective interrogation of a suspected person is of tremendous advantage in disinterring many useful information and also materials which would have been concealed. Success in such interrogation would elude if the suspected person knows that he is well protected and insulated by a pre-arrest bail order during the time he is interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being



subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The Court has to presume that responsible police officers would conduct themselves in a responsible manner and that those entrusted with the task of disinterring offences would not conduct themselves as offenders."

9. Accordingly, this Court finds no merit in the present petition in the factual matrix of the case in hand. Moreover, custodial interrogation of the petitioner is necessary for effective investigation and if it is denied, it will leave many loose ends, which is not desired. Thus, the present petition being devoid of merits is hereby dismissed.
10. It is made clear that nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation.

13.05.2026
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(RUPINDERJIT CHAHAL)
JUDGE

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