

2026:PHHC:008739



212

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-67108-2025

Peetam Singh

....Petitioner

versus

State of Haryana

....Respondent

Date of Decision: January 21, 2026
Date of Uploading: January 22, 2026

CORAM: HON'BLE MR. JUSTICE SUMEET GOEL

Present: Mr. Rahul Bhargava, Advocate and
Mr. Avijit Singh, Advocate for the petitioner.

Ms. Priyanka Sadar Thakur, Senior DAG Haryana.

SUMEET GOEL, J. (Oral)

The present petition is the second attempt under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter to be referred as 'the BNSS') for grant of pre-arrest/anticipatory bail to the petitioner, in case bearing FIR No.404 dated 03.10.2025, registered for the offences punishable under Sections 125 and 318(4) of the Bharatiya Nyaya Sanhita, 2023 (for short 'BNS'), Section 15(2) of the National Medical Commission Act, 2019 and Sections 18(C), 18(A) and 18(B) of the Drugs and Cosmetics Act, 1940, at Police Station Sector 8, District Faridabad.

The earlier petition for grant of pre-arrest/anticipatory bail to the petitioner was dismissed as withdrawn on 27.11.2025 by this Court, relevant whereof reads thus:

“Present petition has been filed under Section 482 of the BNSS, 2023 for grant of anticipatory bail to the petitioner in case FIR No.404 dated 03.10.2025, registered under Sections 125 & 318(4) of the BNS, 2023, Section 15(2) of the National Medical Commission Act, 2019 and Sections 18(C), 18(A) & 18(B) of the Drugs and Cosmetics Act, 1940, at Police Station Sector 8, District Faridabad.

2. Learned counsel for the petitioner, after arguing for sometime, seeks to withdraw the petition in hand with liberty to file afresh after giving complete/ better particulars.

3. Ordered accordingly.

4. Pending application(s), if any, shall also stand disposed of.”

Thereafter, the present petition i.e. the second petition for grant of anticipatory/pre-arrest bail has been preferred by the petitioner on and around 28.11.2025.

2. The gravamen of the FIR in question is that on 03.10.2025, Dr. Vijay, ASMO, B.K. Hospital, Faridabad, pursuant to Letter No.FW/ 2025/ 735/ 736/ 737 dated 03.10.2025 issued by the CMO, Faridabad, along with Dr. Tarun, Dentist, Sector-3, Faridabad, Shri Parveen Rathee, Drug Control Officer, and Shri Satbir Rawal, Naib Tehsildar, Gonchhi, acting as the Duty Magistrate, sought police assistance for conducting a raid at the shop of a quack operating from the house of Sehdev, son of Udaiveer, resident of Village Sihi, Sector-8, Faridabad. Thereafter, in the presence of police officials, the aforesaid team conducted the raid, during which certain prescriptions, medicines, and other articles were recovered and taken into police possession vide separate recovery memos. As per prosecution case, information had been received that a person was illegally practicing medicine at the said shop without possessing any valid medical degree or authorization. However, at the time of the raid, no doctor was found present at the shop. As per the statement of the house owner, namely, Sehdev, Dr. Preetam Singh (*petitioner herein*) was practicing at the shop situated in his

house. Based on these set of allegations, the instant FIR was duly registered and investigation ensued.

3. Learned counsel for the petitioner has iterated that a bare perusal of the FIR itself shows that allegations leveled against the petitioner are concocted, improbable and devoid of any merit. Learned counsel has further iterated that neither, the petitioner was present at the spot nor has any concern with the alleged offence. Learned counsel has also iterated that the petitioner is merely a tenant in the shop in question and has no ownership, control, access or connection with the said shop from where the alleged recovery has been made, and, in fact, the owner of the house, in which, the aforesaid shop is situated, is one Sehdev and he is running the said shop under name and style of Fynelife Pharma. Learned counsel has argued that, in fact, said landlord has some dispute with his immediate neighbours and, since the neighbours of the petitioner had given fake oral information to the complainant, therefore, the petitioner has been unnecessarily dragged into the present litigation when there is no evidence available with the prosecution to connect the petitioner with the alleged crime. Learned counsel has further argued that invocation of Section 318(4) of the BNS, 2023 is wholly misconceived as the FIR in question nowhere shows any allegation of cheating, inducement, wrongful gain/ loss or any act committed by the petitioner. Learned counsel has further argued that the petitioner is an educated Ayurvedic doctor having valid licence from the competent authorities.

3.1. Learned counsel asserts that the police have not conducted a fair and impartial investigation and the inquiry conducted so far is not only incomplete, but also tainted with bias. Moreover, the custodial interrogation

should not be used as a punitive measure and is justified only when absolutely necessary for the recovery of material evidence. Furthermore, the petitioner is ready to join the investigation and hence no useful purpose would be served by sending him behind the bars. On the aforesaid submissions, the grant of anticipatory bail is entreated for.

4. *Per contra*, learned State counsel has opposed the grant of anticipatory bail to the petitioner by arguing that the offence committed by the petitioner is serious in nature. Learned State counsel has iterated that there are specific and direct allegations against the petitioner. Learned counsel raises averments in tandem with reply by way of an affidavit dated 06.12.2025, which has already been filed. The relevant part of the said reply reads thus:

“4. That after lodging the FIR, the investigation set into the motion and during the investigation, the spot was inspected and a rough site plan was prepared. Statements of witnesses were recorded. As per the statement of the landlord Sahdev, the name of the doctor was given as Peetam Singh Rana, son of Sodan Singh, resident of M.No. E-1506, Dabua Colony, Faridabad. CDR of Peetam Singh Rana's mobile was obtained. Accused Peetam Singh Rana had applied for anticipatory bail in the Honorable Court of Shri Surendra Kumar ASJ Faridabad on 24-10-25, which has been rejected by the Court vide order dated on 28-10-25.

5. That the petitioner is attempting to improve his case by raising new pleas in the present petition which were never taken before the learned Additional Sessions Judge in the first anticipatory bail application, nor were such grounds raised in the petitioner's earlier bail petition CRM-M-66617-2025 before this Hon'ble Court, which was dismissed as withdrawn. At no prior stage did the petitioner disclose or rely upon the alleged Ayurvedic qualification or claim any right to practice as a medical professional in Haryana, and such grounds are a clear afterthought devise only after the rejection of his first bail request. The deliberate concealment of this plea in earlier proceedings, coupled with the petitioner's attempt to introduce new facts at a later stage, demonstrates lack of bona fides and constitutes suppression of material facts. Hence, the petitioner, having failed to raise this contention at the first available opportunity, cannot be permitted to improve or reconstruct his case in the second bail petition, and the present petition deserves to be rejected on this ground alone.

6. That the custodial interrogation of the petitioner is absolutely necessary for the fair and effective investigation of the present case, as the recovery made from the premises clearly shows an ongoing illegal medical practice and several crucial aspects remain unanswered, which cannot be elicited without his custodial questioning. The petitioner is required to be interrogated to ascertain the source of the medicines, the identity of patients treated, the origin and authorship of the prescriptions recovered,

and the extent of the illegal clinic being run, as well as to recover prescription pads, appointment registers, WhatsApp chats, digital records, and other incriminating material relating to unauthorized medical treatment. Further, the authenticity of the petitioner's alleged Ayurvedic certificate and his actual entitlement to practice in Haryana requires detailed confrontation with documents during custodial interrogation. The illegal practice of medicine without licence is a serious offence affecting public health, and allowing the petitioner to evade custodial interrogation would seriously prejudice the investigation, as he is in a position to tamper with evidence, influence local witnesses, and destroy material pertaining to his illegal practice. Therefore, in the interest of justice and to unearth the entire illegal medical setup, the custodial interrogation of the petitioner is indispensable and fully justified.

7. That it is significant to mention here that in compliance to the order of this Hon'ble court, the answering respondent has got verified the Aurvedic qualification from Registrar, Bihar State Ayurvedic and Unani Medical Council, Patna. As per the record the recognition of the certificate was cancelled since the year 2006. True translation of the verification is annexed herewith as Annexure R-1."

Learned State counsel has further argued that given the severity of the offence, there exists a substantial likelihood that the petitioner may abscond or tamper with the evidence if he is enlarged on bail. Furthermore, custodial interrogation of the present petitioner is essential to ascertain the source of medicines, the identity of patients treated, the origin and authorisationship of the prescriptions recovered, and the extent of illegal clinic being run, as well as to recover prescription pads, appointment register, WhatsApp chats, digital records, and other incriminating material relating to unauthorized medical treatment. On the strength of these submissions, dismissal of the present petition is entreated for.

5. I have heard the learned counsel for the rival parties and have gone through the available record of the case.

6. It would be apposite to refer herein to a judgment passed by this Court in a titled as ***Bhisham Singh vs. State of Haryana, 2024(3) RCR(Criminal) 65***, relevant whereof reads as under:

"11. As an epilogue to the above rumination, the following principles emerge:

I Second/successive anticipatory bail petition(s) filed under Section 438 of Cr.P.C., 1973 is maintainable in law & hence such

petition ought not to be rejected solely on the ground of maintainability thereof.

II Such second/successive anticipatory bail petition(s) is maintainable whether earlier petition was dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or earlier petition was dismissed on merits.

III For the second/successive anticipatory bail petition(s) to succeed, the petitioner/applicant shall be essentially/pertinently required to show substantial change in circumstances and showing of a mere superficial or ostensible change would not suffice.

IV No exhaustive guidelines can possibly be laid down as to what would constitute substantial change in circumstances as every case has its own unique facts/circumstance. Accordingly, this issue is best left to the judicial wisdom and discretion of the Court dealing with such second/successive anticipatory bail petition(s).

V In case a Court chooses to grant second/successive anticipatory bail petition(s), cogent and lucid reasons are pertinently required to be recorded for granting such plea despite such a plea being second/successive petition(s). In other words, the cause for a Court having successfully countenanced/entertained such second/successive petition(s) ought to be readily and clearly decipherable from the said order passed.

VI Once a plea for anticipatory bail has been dismissed as withdrawn/dismissed as not pressed/dismissed for non-prosecution or dismissed on merits by the High Court, no second/successive anticipatory bail petition(s) shall be entertained by a Sessions Court.”

7. The present petition is a second petition for grant of anticipatory bail by the petitioner. A second anticipatory bail petition is indeed maintainable under law; however, it requires demonstration of a substantial change in circumstances since the earlier petition. It is a settled proposition of law that such a change must be significant and not merely superficial or technical, to warrant reconsideration. This standard ensures that the remedy of successive bail petitions is not misused through repeated filings but is available when new and material factors arise that alter the initial assessment of the case. The first anticipatory bail filed by the petitioner was dismissed as withdrawn on 27.11.2025. The instant petition, i.e., second petition for grant of anticipatory bail has been filed thereafter on and around 28.11.2025. No fresh substantial change in circumstance has been brought forward which would indicate that the petitioner is entitled to

maintain his second petition for grant of anticipatory bail. From the entire factual conspectus brought forward in the present petition, no fresh ground or circumstance is made out so as to enable the petitioner to file and maintain the second anticipatory bail petition. However, since the first anticipatory bail petition was dismissed as withdrawn and there was no adjudication on merits thereof, this Court deems it appropriate to decide the instant one on merits thereof as well.

8. Apart from it being second anticipatory bail, as per the case put forth in the FIR in question, indubitably, serious allegations have been levelled against the petitioner. As per the version put forth by the prosecution, the petitioner was illegally practicing in the house of one Sehdev, without having any medical educational qualification or degree. The prescriptions, medicines etc. were taken in police possession by raiding team.

8.1. The custodial interrogation stated to be required for recovery of prescriptions, medicines, and other incriminating material indicates an ongoing illegal medical practice. A perusal of the reply by way of an affidavit dated 06.12.2025 reveals that the custodial interrogation is required to know the details of patients treated, authorship of prescriptions, recovery of prescription pads, registers, digital records, and electronic data, and the true extent of the illegal clinic. These aspects cannot be effectively investigated without custodial interrogation. The said reply further reveals that the petitioner is a local resident and is in a position to tamper with evidence, influence witnesses, and destroy documentary and digital material relating to the illegal practice if granted anticipatory bail. Practicing medicine without valid licence or recognition is a serious offence having

direct implications on public health and safety. Grant of anticipatory bail in such circumstances would adversely affect a fair and effective investigation. Further, the said reply reveals that the alleged Ayurvedic qualification of the petitioner stands cancelled since 2006 by the Bihar State Ayurvedic and Unani Medical Council, Patna, thereby negating any claim of lawful medical practice.

9. No cause *nay* plausible cause has been shown, at this stage, from which it can be deciphered that the petitioner has been falsely implicated into the present FIR. It goes without saying that in the instant case, the petitioner is alleged to have practiced medicine without valid licence or recognition, which, of-course, has serious/ direct implications on public health and safety. The gravity of the offence and the nature of allegations weigh heavily against the grant of anticipatory bail.

10. 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. At this stage, there is no material on record to hold that *prima facie* case is not made out against the petitioner. The material which has come on record and preliminary investigation, appear to be established a reasonable basis for the accusations. Thus, it is not appropriate to grant anticipatory bail to the petitioner, as it would necessarily cause impediment in effective investigation. In ***State v. Anil Sharma, (1997) 7 SCC 187 : 1997 SCC (Cri) 1039***, the Hon'ble

Supreme Court held as under : (SCC p. 189, para 6)

“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 informations 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 task of disinterring offences would not conduct themselves as offenders.”

11. In view of the gravity of the allegations involving illegal medicine practice and the necessity of custodial interrogation for a fair and thorough investigation, this Court is of the considered opinion that the petitioner does not deserve the concession of anticipatory bail in the factual *milieu* of the case in hand.

12. In view of the prevenient ratiocination, it is ordained thus:

- (i) The instant petition is devoid of merits and is hereby dismissed;
- (ii) Nothing said hereinabove shall be deemed to be an expression of opinion upon merits of the case/investigation;
- (iii) Pending application(s), if any, shall also stand disposed off.

(SUMEET GOEL)
JUDGE

January 21, 2026

mahavir

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No