

Punjab-Haryana High Court

Vikram Singh vs State Of Haryana on 1 December, 2016

CRM No.M-40015 of 2016

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM No. M-40015 of 2016

Date of decision:- December 01, 2016

VIKRAM SINGH

....PETITIONER..

VS.

STATE OF HARYANA

....RESPONDENT..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- Mr. R.S. Rai, Sr. Advocate with
Mr. Keshav Pratap Singh, Advocate,
for the petitioner.

Ms. Harpreet Kaur, AAG, Haryana.

JASPAL SINGH, J. (Oral)

By virtue of instant petition preferred under Section 439 of the Code of Criminal Procedure (for short, "Cr.P.C."), petitioner-Vikram Singh has sought concession of bail during pendency of trial, in case FIR No.490, dated 16.08.2016, under Sections 420 IPC, Section 18/27 of the Drug and Cosmetics Act, and Section 15(2)&(3) of the Indian Medical Council Act

2. During the course of arguments, it has emerged that though the offences falling within the purview of Sections 18 and 27 of the Drug and Cosmetics Act are non-cognizable and complaint is required to be filed. Similarly, the other offences falling within the purview of Section 15(2)&(3) of the Indian Medical Council are bailable. It appears that Section 420 IPC has been added just to make the case of the prosecution of aggravated nature. Otherwise also, the petitioner was arrested from his 1 of 2 CRM No.M-40015 of 2016 --2--

premises on 16.08.2016. He is not a medical practitioner or doctor. Though, the premises are being used on his behalf for running hospital, where two patients are also being treated. Moreover, on conclusion of investigation, report under Section 173 (2) Cr.P.C., has already been presented in the Court of Id. Jurisdictional Magistrate and it appears that the trial is listed for prosecution evidence. Otherwise also, disposal of trial would likely to take sufficient long time.

3. Taking into consideration the aforesaid aspects but without expressing any opinion on the merits of the case, this Court is of the considered view that the case is made out for grant of bail to the petitioner. Accordingly, petition is allowed and petitioner is ordered to be released on bail on his furnishing requisite bonds at the satisfaction of trial court/Duty Magistrate.

4. However, it is made clear that any observation made in this petition, shall have no bearings on the merits of the case.

December 01, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: Yes/No

Whether reasonable: Yes/No