

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

CRM-M-37609-2025  
Reserved on: 11.09.2025  
Pronounced on: 30.09.2025

Mohd. Rezaur Rehman ...Petitioner

Versus

State of Haryana ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Aslam Ahmed, Advocate for the petitioner (through V.C.).

Mr. Atul Gaur, A.A.G., Haryana.

\*\*\*\*

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
321	11.05.2025	Palla, Faridabad	3/4/5 of MTP Act, 18A/18C of Drugs and Cosmetics Act, 125, 318(4) BNS and 34(1)/35 of NMS Act

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. Per custody certificate dated 18.08.2025, the petitioner has no criminal antecedents.
3. The facts and allegations are being taken from the reply filed by the State, which reads as follows:

*“BRIEF FACTS:-*

*2. That the present case FIR No. 321 dated 11.05.2025 U/s 18(a)(1) and 18(c) of Drugs and Cosmetic Act, 1940, section 3, 4 and 5 of Medical Termination of Pregnancy Act, 1971. section 35 of National Medical Commission Act, 2019, section 125, 318(4) of BNS Act, 2023 was registered at P.S. Palla, Faridabad on the basis of a complaint made by complainant/Additional Senior Medical Officer CHC Kheri Kalan, Faridabad against the petitioner/accused.*

*That the complainant stated in his complaint that during the Special Drive for detection of sale of MTP Kits on 11.05.2025 by FDA (Food and Drug Administration) Team Faridabad comprising of Smt. Pooja Chaudhary DCO (Faridabad-1, Praveen Rathi DCO (Drugs*

*Control Officer) Faridabad-II alongwith Dr. Arya Surender ASMO (Additional Senior Medical Officer), CHC (Community Health Centre) Kheri Kalan, Faridabad, who conducted a decoy of operation on the basis of secret complaint about illegal clinic running at Fatima Rehman enterprises, Pushta Road, A/1, Gali No. 8, Basantpur Enclave, Part-II, Near Pawan Awana Builders, Faridabad.*

*A decoy operation was conducted by sending Mrs. Preeti Chaudhary to the present clinic i.e. Fatima Rehman Enterprises, Pushta Road, A/1, Gali No. 8, Basantpur Enclave, Part-II, Near Pawan Awana Builders, Faridabad to purchase a MTP Kit without any prescription of RMP for investigation of secret information regarding sale of MTP Kit by this clinic. The team send the decoy customer Mrs. Preeti Chaudhary round 2:00 PM by giving her a currency note of Rs. 500/- to purchase MTP Kit from said clinic. The decoy further went to the clinic at 3:30 PM to purchase MTP Kit. The team and the police was waiting nearby the clinic area, and after 15-20 minutes decoy came back with the team and shown the kit supplied by the person available on clinic. The team raided the clinic with police personals and found the petitioner present their the MTP Kit was shown alongwith tablets IP MISOPROSTOL and other items purchased from the petitioner without prescription. During enquiry, the petitioner admitted that he has given this kit to this customer without RMP prescription and also admitted that he has also explained the customer the processor to take the MTP kit and also return the same on the supplied MTP Kit to take tablets proper time explained to her.*

*The team recovered a currency note of Rs. 500/- from the table of petitioner, one more kit was found there, the team also found the patient beds alongwith 4 stands which holds use IV fluid bottle and many instruments and drugs use in medical practice in the clinic. The team also recovered prescription pad which bears the name of doctor Rezour Rehman, GEN. Physician Fatima Rehman Enterprises and also found cosmetic medical poly clinic in which many prescriptions were return bearing his signature and stamp of doctor. The petitioner during asking about the qualifications or degree of doctor or valid drug license to stock, selling the MTP Kit, but the petitioner failed to show any valid degree to practice as medical practicenor. The recovered articles were seized by the team and packed in Getra Box. Hence the present case FIR Annexure P-1 was registered.”*

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.

5. The petitioner's counsel 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.

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

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

*“5. That the petitioner/accused is directly involved in the present case while running a clinic and selling the MTP kits and other medicines without any decree, license or permit.”*

8. The petitioner was involved in the illegal sale of MTP Kit, which is commonly used for medical abortion by blocking the action of progesterone. Unfortunately, in this region of our country, girls are not given equal status to boys, leading to a preference for male children. To ensure a child is male, illegal ultrasounds are conducted, and when it is found that the fetus is female, illegally MTP kits are sold to induce illegal abortions. Such conduct reflects a disturbing mindset. However, the fact is that the petitioner has already been in custody for more than three months and seven days. A balance must be struck between the liberty of the accused and the societal interest. Considering the heinous nature of the alleged offense and all other factors, further pretrial custody is not justified.

9. 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.

10. Per paragraph 6(1) of the bail petition, the petitioner has been in custody since 11.05.2025. Per the custody certificate dated 18.08.2025, the petitioner's total custody in this FIR is 03 months and 07 days.

11. The law of bail, like any other branch of law, has its own philosophy, and occupies an important place in the administration of justice and the concept of bail emerges from the conflict between the police power to restrict liberty of a man who is alleged to have committed a crime, and presumption of innocence in favour of the alleged criminal.<sup>1</sup>In deciding bail applications an important factor which should certainly be taken into consideration by the Court is the delay in concluding the trial.—Often this takes several years, and if the accused is denied bail but is ultimately acquitted, who will restore so many years of his life spent in custody? —Is Article 21 of the Constitution, which is the most basic of all the fundamental rights in our Constitution, not violated in such a case? —Of course this is not the only factor, but it is certainly one of the important factors in deciding whether to grant bail.<sup>2</sup> Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar

---

<sup>1</sup> Supreme Court of India in Vaman Narain Ghiya v. state of Rajasthan, [E-SCR] ; [2008] 17 SCR 369, Para 16, decided on 12.12.2008.

<sup>2</sup>Supreme Court of India in State of Kerala v. Raneef, SC 2J [E-SCR]; [2011] 1 SCR 590, Para 4, decided on 03.01.2011.

facts and circumstances of the case.<sup>3</sup> Personal liberty deprived when bail is refused, is too precious a value of our constitutional system recognised under Art. 21 that the curial power to negate it is a great trust exercisable, not casually, but judicially with lively concern for the cost to the individual and the community.<sup>4</sup> When the undertrial prisoners are detained in jail custody to an indefinite period, Article 21 of the Constitution is violated.<sup>5</sup>

12. Given the above, 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 further pre-trial incarceration at this stage.

13. 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. This order shall come into force from the time it is uploaded on this Court's official webpage.

14. Given the 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 or duty Magistrate, with or without sureties, with a maximum bond amount not to exceed INR 10,000.

15. Before accepting the surety, the concerned Court must be satisfied that if the accused fails to appear, the surety is capable of producing the accused. However, instead of surety, the petitioner may provide a fixed deposit of INR 10,000/-, with a clause that the interest shall not be accumulated in FD, either drawn from a State-owned bank or any bank listed on the National Stock Exchange and/or Bombay Stock Exchange, in favour of the "Chief Judicial Magistrate" of the concerned Sessions Division; or a fixed deposit made in the name of the petitioner, with similar terms and with endorsement from the banker stating that the FD shall not be encumbered or redeemed without the permission of the concerned trial Court, or until the surety bond has been discharged.

16. 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)	

<sup>3</sup> Supreme Court of India in *Siddharam Satlingappa Mhetre v. State of Maharashtra*, SC 2J [E-SCR], Paragraph 127, decided on 02.12.2010.

<sup>4</sup> Supreme Court of India in *Babu Singh & ors v. State of UP*, [E-SCR] P. 777, decided on 31.01.1978.

<sup>5</sup> Supreme Court of India in *Sanjay Chandra v. CBI*, [2011] 13 (ADDL.) S.C.R. 309, Para 26, [E-SCR], decided on 23.11.2011.

17. This order is subject to the petitioner's complying with the following terms.

18. 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.

19. 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 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.

20. 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.

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

22. In *Amit Rana v. State of Haryana*, CRM-18469-2025 [Decided on 05.08.2025], in CRA-D-123-2020], a Division Bench of Punjab and Haryana High Court in paragraph 13, holds that "To ensure that every person in judicial custody who has been granted bail or whose sentence has been suspended gets back their liberty without any delay, it is appropriate that whenever the bail order or the orders of suspension of sentence are not immediately sent by the Registry, computer systems, or Public Prosecutor, then in such a situation, to facilitate the immediate restoration of the liberty granted by any Court, the downloaded copies of all such orders, subject to verification, must be accepted by the Court before whom the bail bonds are furnished."

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

(ANOOP CHITKARA)  
JUDGE

30.09.2025  
Jyoti Sharma

Whether speaking/reasoned: Yes  
Whether reportable: No.