



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

**CRM-M-50029-2025
Date of decision: 12.09.2025**

BILAL

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE SUBHAS MEHLA

Present: Mr. Balraj Gujjar, Advocate for the petitioner.

SUBHAS MEHLA, J. (ORAL)

1. By way of the present petition, the petitioner is seeking regular bail in FIR No.205 dated 31.07.2025 under Sections 125, 318(4) of BNS, 2023; 3, 4, 5 of Medical Termination of Pregnancy Act (MTP Act) and 34, 37 of Drugs and Cosmetics Act, 1940 registered at Police Station SGM Nagar, Faridabad, District Faridabad.

2. Learned counsel for the petitioner contended that the allegation against the present petitioner is that he sold the Medical Termination of Pregnancy kit (for short 'MTP kit') to a decoy customer, which he purchased from co-accused, namely, Danish. Learned counsel further contended that except the present case, no other case is registered against the petitioner and he has clear and clean antecedents. Furthermore, maximum punishment provided for the offence in the present FIR is up to 02 years and the petitioner has already been remanded to judicial custody for more than one month and he is not required for any investigation purpose. Learned counsel submitted that bail application of the petitioner was dismissed by learned Additional Sessions



Judge, Faridabad on the ground that his co-accused were not arrested but now they have also been arrested in this matter.

3. Notice of motion.

4. Mr. Arun Kumar Gujjar, AAG, Haryana, accepted the notice on behalf of the respondent-State and produced the custody certificate of the petitioner, which is taken on record. Learned State counsel admitted that co-accused have already been arrested in the matter, but he vehemently opposed the prayer for grant of regular bail to the petitioner by submitting that he is not entitled to bail keeping in view the fact that MTP kits are medical items and should be dealt with by a qualified person.

5. Heard.

6. Keeping in view the facts and circumstances of the case and the fact that the petitioner is not required for any investigation purpose; he is already remanded to judicial custody; petitioner is in custody since 31.07.2025 i.e for the last more than 01 month; there is no material on record to show that he is involved in some other case except the present one as admitted by learned State counsel; trial will take sufficient time to conclude and no fruitful purpose would be served by keeping him in custody for any further period, as admitted by learned State counsel that co-accused is already arrested in this case. Thus, concession of bail cannot be denied just as measure of punishment and it is trite principle of criminal jurisprudence that bail is rule, jail is an exception, this Court deems it a fit case to grant the concession of regular bail to the petitioner.

7. Therefore, without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on



regular bail on his furnishing requisite bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate concerned.

8. Nothing observed hereinabove shall be construed to be expression of an opinion by this Court on merits of the case. The learned Court below is directed to proceed with the matter on its own merits, lest it may prejudice the trial.

September 12, 2025
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(SUBHAS MEHLA)
JUDGE

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