

CRM-M-799-2024

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

CRM-M-799-2024
Reserved on: 06.03.2025
Pronounced on: 25.03.2025

Gaurav Shukla ...Petitioner

Versus

State of UT Chandigarh ...Respondent

CORAM: HON'BLE MR. JUSTICE ANOOP CHITKARA

Present: Mr. Chanderhas Yadav, Advocate
for the petitioner.

Mr. P.S. Paul, APP, UT Chandigarh.

Mr. P.S. Sekhon, Advocate
for the complainant.

ANOOP CHITKARA, J.

FIR No.	Dated	Police Station	Sections
205	16.12.2023	Sector 34, Chandigarh, District Chandigarh	420, 467, 468, 471, 120 B IPC

1. The petitioner apprehending arrest in the FIR captioned above has come up before this Court under Section 438 CrPC, seeking anticipatory bail.
2. Vide order dated 09.01.2024, the petitioner was granted interim bail, which continues to date.
3. The petitioner's counsel seeks bail on the ground that his work is of collecting samples and supply the same to Altus Medical Laboratory and to collect reports from laboratory and supply to the patients and he only took conveyance fee. He further prays for bail by imposing any stringent conditions. The petitioner's counsel argued that the custodial investigation would serve no purpose whatsoever and the pre-trial incarceration would cause an irreversible injustice to the petitioner and family.
4. The UT counsel opposes bail and refers to the reply. Complainant's counsel opposes the bail and submits that the petitioner was running a big racket and fabricating medical reports without any data which led to the death of the complainant's wife. He opposes the bail on the ground that if this evil is not addressed it would create multiple problem and further increase the nexus between the doctors and the laboratory.

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

“9. That during the course of the investigation the petitioner was joined the investigation and he was interrogated by the investigating officer and the accused has admitted during the course of his interrogation that he himself prepared a fake and false report of RTPCR of the wife of the complainant and has changed the same with one Paramjit Kaur and he has destroyed the sample of the wife of the complainant which was taken by him and no test was ever performed in the laboratory and there is no role of the treating doctor in preparing the said report except for sharing the same with the doctor at the time during the admission of the wife of the complainant in the hospital. The operating system i.e. laptop through which the false and fabricated report was prepared has already taken into possession and nothing concrete has been found against any person till date from the investigation so far.

10. That it is further submitted no concrete evidence or any other complaint from any other person has been received so far which could prove or show that any racket was running by any person in connivance with the doctors in preparing fake and false report of RTPCR by fabricating the medical reports of patients nor any involvement of any doctor or any other person has also not surfaced who were operating the racket of preparing fake and false report of RTPCR by fabricating the medical reports of other patients has come on record so far.”

REASONING:

6. The petitioner has already joined the investigation and whatever the investigator wants to recover, has already been recovered and no prayer for custodial interrogation is made in the reply. There is sufficient prima facie evidence connecting the petitioner with the alleged offense; still, it is neither a case for custodial interrogation nor pre-trial incarceration. Although the evidence might be prima facie sufficient to launch prosecution or to frame charges, but this Court is not considering the evidence at that stage but is analyzing the same for the bail stage.

7. The petitioner was granted interim protection, and during the interregnum, there is no allegation that he had intimidated the witnesses, hampered the investigation, or, despite being called to join the investigation, did not appear before the investigator. Given the above, there would be no justification to discontinue the interim protection, which is made absolute subject to the petitioner complying with the terms of the bail order and the following additional conditions.

CONDITIONS:

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8. The petitioner is directed to join the investigation as and when called by the Investigator. The petitioner shall be in deemed custody for Section 27 of the Indian Evidence Act. The petitioner shall join the investigation as and when called by the Investigating Officer or any Superior Officer and shall cooperate with the investigation at all further stages as required. In the event of failure to do so, the prosecution will be open to seeking cancellation of the bail. During the investigation, the petitioner shall not be subjected to third-degree, indecent language, inhuman treatment, etc.

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

10. **Petition allowed** in terms mentioned above. Interim order dated 09.01.2024 is made absolute. All pending applications, if any, stand disposed of.

(ANOOP CHITKARA)
JUDGE

25.03.2025

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Whether speaking/reasoned: Yes

Whether reportable: No.