

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

CRM-M-25445-2015

Date of decision: 24.08.2015

Dr. Ashok Kashyap

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. R.S. Rai, Senior Advocate with
Mr. Dilpreet Singh, Advocate
for the petitioner.

Mr. Ashish Yadav, Addl. AG, Haryana.

RAMESHWAR SINGH MALIK, J. (ORAL)

Petitioner seeks bail pending trial in FIR No.288 dated 05.07.2015 under Sections 3, 4, 5, 6, 23 and Rule 9(4) of Pre-conception and Pre-Natal Diagnostic Techniques Act, 1996 ('PNDT Act' for short), registered at Police Station Indri, District Karnal.

Learned Senior Counsel for the petitioner places reliance on two judgments of this Court in **Dr. Preetinder Kaur and others Vs. State of Punjab and others, 2010 (2) RCR (Civil) 211** and **Dr. Tejinder Pal Singh Multani Vs. State of Punjab and another, 2015 (2) RCR (Crl.) 399** to contend that the FIR could not have been registered because as per the provisions of Section 28 of PNDT Act, only a complaint could have been filed by the competent authority. He further submits that the present FIR was lodged against the petitioner because of some extraneous considerations. He prays for allowing the present petition.

On the other hand, learned counsel for the State submits that registration of FIR is nowhere barred under Section 28 of the PNDT Act. He further submits that the competent authority is already in the process of filing the complaint under Section 28 of the PNDT Act against the petitioner. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the peculiar facts and circumstances of the case, petitioner has been found entitled for bail pending trial. It is so said because learned Senior Counsel for the petitioner has been found justified in contending that the cognizance could be taken by the Court only on a complaint, in view of the provisions of Section 28 of the PNDT Act.

In view of the above and without commenting anything further on merits at this stage, lest it should prejudice the rights of either of the parties, instant petition is allowed. Petitioner is directed to be released on bail pending trial on his furnishing adequate bail bonds/surety bonds to the satisfaction of learned trial Court.

Disposed of, accordingly.

[RAMESHWAR SINGH MALIK]
JUDGE

24.08.2015
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