

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

CRM-M-28814-2015

Date of decision: 04.09.2015

Naresh Kumar

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Sansar Kundu, 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 and Sections 420, 120-B IPC (added later on), registered at Police Station Indri, District Karnal.

Learned counsel for the petitioner submits that the main accused had already been granted the concession of bail by this Court vide order dated 24.08.2015 passed in CRM-M-25445-2015 (Dr. Ashok Kashyap Vs. State of Haryana) (Annexure P-2). The case of the petitioner is on better footing. He prays for allowing the present petition.

On the other hand, learned counsel for the State submits that although it is a matter of record that main accused has been granted bail by this Court, yet petitioner is not entitled for bail pending trial for the reason that allegations are direct and serious. He prays for dismissal of the present petition.

Having heard the learned counsel for the parties and after careful perusal of the record of the case, this Court is of the considered opinion that keeping in view the peculiar facts and circumstances of the case, coupled with the fact that case of the present petitioner has been found on better footing than his co-accused Dr. Ashok Kashyap who was granted bail by this Court vide abovesaid order dated 24.08.2015 (Annexure P-2), petitioner has also been found entitled for similar concession of bail.

During the course of hearing, learned counsel for the State, despite having made his best efforts, could not distinguish the case of the present petitioner from that of his abovesaid co-accused.

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

04.09.2015
vishnu