

211 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

C.R.M-M No.34910 of 2015
Date of Decision :19.10.2015

Dr.Ashok Aggarwal

..... Petitioner

Versus

State of Haryana

..... Respondents

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. Bipan Ghai, Sr. Advocate with
Mr. Mandeep Kaushik, Advocate
for the petitioner.

Mr.S.S.Pannu, DAG, Haryana.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This is a petition for anticipatory bail in case bearing FIR No.137 dated 12.08.2015, registered under Sections 417, 420, 336 IPC and under Sections 3, 3-A, 4 of the Pre-conception and Pre-Natal Diagnostic Techniques(Prohibition of Sex Selection)Act, 1994, at Police Station Guhla, District Kaithal.

Learned senior counsel has argued that even as per the allegations in the FIR the decoy customers went to the house of Balwinder Kaur on being told that the petitioner would come to the house of Balwinder Kaur for sex determination test. However, since the petitioner did not reach the house of Balwinder Kaur, Harbhag Singh took the decoy customers to Ludhiana to the clinic of the doctor but before the decoy customers or Harbhag Singh could establish physical contact with the petitioner the raid

took place. As per learned senior counsel these allegations do not make out any case against the petitioner since even as per the FIR, there is nothing which has been done by the present petitioner.

Learned DAG, however, argues that there was no need for the co-accused to bring the decoy customers to Ludhiana had the present petitioner not been a consenting party. That may be so but the fact remains that in the present FIR no action has been attributed to the present petitioner. Of course if the petitioner is found guilty he would be liable to suffer whatever imprisonment is in store for him but in the circumstances I do not deem it appropriate to deny him the concession of anticipatory bail.

Let, in the event of his arrest, the petitioner be released on bail by the Investigating Officer subject to the conditions envisaged under Section 438(2) Cr.P.C.

Since the main case has been decided, the pending Criminal Misc. Application, if any, also stands disposed of.

October 19, 2015
sunita

(AJAY TEWARI)
JUDGE