

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-41371 of 2015

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Date of decision:7.12.2015

Meena Rani

...Petitioner

v.

State of Punjab

...Respondent

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Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Dr. Anmol Rattan Sidhu, Senior Advocate with Mr. Pratham Sethi, Advocate for the petitioner.

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Inderjit Singh, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.305 dated 21.11.2015 (Annexure-P.1) registered for the offences under Sections 3, 4, 5, 6 and 23 (3) of Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Act, 1994 (hereinafter referred to as 'PNDT Act') and Medical Termination of Pregnancy Act, 1971 (hereinafter referred to as 'MTP Act') at Police Station Patran, District Patiala.

I have heard learned counsel for the petitioner and have gone through the record.

The present petitioner is named in the present FIR and the main allegations are levelled against her. As per the FIR, Narender Kumar, D.P.M. working in the office of Civil Surgeon, Kaithal received a secret

information that Meena Rani-present petitioner used to do sex determination of foetus of pregnant women after taking ₹15,000/- to ₹20,000/-. After receiving this information, Narender Kumar was sent to the accused, who agreed to get the sex determination in Tohana, Patran and Patiala as per facilitation after taking ₹15,000/-. It was, however, told that when doctor will give time for determination of sex, information would be given on telephone. On 10.11.2015 at 2.00 p.m., above mentioned lady contacted Narender Kumar telephonically and told that the doctor has given time in Tohana for sex determination. Thereafter, after consulting the Deputy Commissioner, Kaithal, the raid was conducted. Narender Kumar along with decoy Rajni reached near old bus stand, Near Gurudwara Patran as stated by the accused. After reaching at the spot, Narender Kumar contacted the petitioner telephonically and told that he has reached at the spot. After few minutes, above mentioned lady came in vehicle and after talking with Narender Kumar, the condition was laid that ₹15,000/- will be taken in advance and they themselves will take the pregnant lady for determination of sex and asked him to wait there. On receiving signal of above mentioned lady, her one companion came on motorcycle, on which no number was affixed and took the pregnant lady with him and above mentioned lady/petitioner also went with them in her vehicle. Thereafter, the team followed them. As the motorcycle went through narrow streets, their vehicle could not follow them.

As per the allegations in the FIR, the ultrasound for determination of sex of child of pregnant lady Rani (decoy) was conducted

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at Patran (Patiala) by doctor with the help of agent petitioner Meena Rani for ₹15,000/- and after examination the doctor told that the foetus was of boy.

In view of the allegations in the FIR, the present petitioner is required for custodial interrogation. Otherwise also, keeping in view the nature and gravity of the offences, without discussing the facts in minute detail and without expressing any opinion on the merits of this case, I do not find it a fit case where the present petitioner is entitled to the benefit of anticipatory bail.

Therefore, finding no merit in this petition, the same is dismissed.

December 7, 2015.

(Inderjit Singh)
Judge

hsp