

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

Sr. No. 203

CRM-M-10337-2016

Decided on : 16.11.2016

Mange Ram

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr.R.N.Lohan, Advocate, for the petitioner.

Mr.Chetan Sharma, AAG, Haryana.

DEEPAK SIBAL, J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C., the petitioner seeks the concession of anticipatory bail in FIR No.87, dated 12.02.2016, under Section 6(c) of Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, registered at Police Station City Jind, District Jind.

On 29.03.2016, the following order was passed by this Court: -

“Present petition has been filed under Section 438 Cr.P.C.seeking concession of pre-arrest bail to the petitioner in case FIR No.87 dated 12.02.2016 under Section 6(c) of Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, registered at Police Station City Jind, District Jind.

FIR has been registered on the accusation that the petitioner had taken a sum of Rs.1400/- and given medicine to a decoy customer on the inducement of conceiving a male child.

It is, *inter alia*, contended that even as per allegations on the face of it, no offence would be made out under the provisions of Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 as the accusation could not possibly fall within the

scope of a Pre-natal Diagnostic Procedure or Pre-natal Diagnostic Test.

Notice of motion, returnable for 12.05.2016.

To be listed along with CRM No.M-6978 of 2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C.”

Learned State counsel submits that the petitioner has since joined investigation and that the medicine which was allegedly being prescribed by the petitioner has also been recovered.

At this stage, learned counsel for the petitioner brings to my notice an order dated 12.05.2016, passed by this Court in CRM-M-6978-2016 in “Uma Attri vs. State of Haryana”, granting anticipatory bail in similar circumstances. The same reads as follows: -

“This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.88 dated 12.02.2016, under Sections 18 and 6(c) of Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, registered at Police Station City Jind, District Jind.

On 26.02.2016, while issuing notice of motion, the following order was passed by this Court:

“The present petition has been filed under Section 438 Cr.P.C. seeking concession of pre-arrest bail to the petitioner in case FIR No.88 dated 12.02.2016 under Sections 18 and 6 (c) of Preconception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, registered at Police Station City Jind, District Jind.

FIR has been registered on the accusation that the petitioner had taken a sum of Rs.100/- and given medicine to a decoy customer on the inducement of conceiving a male child.

It is, inter alia, contended that even as per allegation on the face of it, no offence would be made out under the provisions of Pre-conception

and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 as the accusation could not possibly fall within the scope of a Prenatal Diagnostic Procedure or Pre-natal Diagnostic Test.

Notice of motion, returnable for 12.05.2016.

In the meanwhile, petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and she shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C.”

Learned State counsel would apprise the Court that the petitioner has since joined investigation. It is further submitted that even the medicine that was allegedly being prescribed by the petitioner has since been recovered.

Under such circumstances, prayer made in the present petition is accepted.

Petition is allowed. Order dated 26.02.2016 passed by this Court is made absolute.

Disposed of.”

In view of the above, the present petition is allowed and the ad-interim anticipatory bail granted to the petitioner through order dated 29.03.2016 is made absolute.

16.11.2016
shamsher

[DEEPAK SIBAL]
JUDGE

Whether speaking/reasoned

:

Yes / No

Whether reportable

:

Yes / No