

Sr. No. 234

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM No. M-10936 of 2016 (O&M)
Date of Decision: 07.04.2016

Surender

...Petitioner

Versus

State of Haryana

... Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Jitender Dhanda, Advocate,
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

TEJINDER SINGH DHINDSA. J (ORAL)

Petitioner seeks benefit of regular bail pending trial in case FIR No.27 dated 20.01.2016, under Sections 23 & 29 & 4,5,6 read with Rule 9 & 10 of Pre Natal Diagnostic Techniques (Regulations & Prevention of Misuse) Act, 1994, (for short 'PNDT Act'), registered at Police Station City Palwal.

As per prosecution version, the present petitioner has allegedly participated in a sex determination test of a decoy patient, namely, Mithlesh.

Petitioner was arrested on 20.01.2016.

Contention raised by learned counsel is that under Section 28 of the PNDT Act it is only the appropriate authority appointed by the Central Government or State Government who would be competent to present a complaint before the Court and only

then cognizance of the offence can be taken.

Counsel also refers to an order dated 10.03.2016 passed by this Court in CRM No.M-7270 of 2016 whereby co-accused Mayank Aggarwal has been granted ad interim protection as regards arrest.

Without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petition is allowed. Petitioner be enlarged on bail subject to satisfaction of the Chief Judicial Magistrate/Duty Magistrate, Palwal.

Disposed of.

07.04.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**