

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M No.11482 of 2016

Date of Decision:-11.04.2016

Dr. Hemant Kumar.

.....Petitioner.

Versus

The State of Punjab.

.....Respondent.

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present:- Mr. R.S. Rai, Senior Advocate assisted by
Mr. Rajbir Singh, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab
assisted by ASI Gorakh Nath.

JASWANT SINGH, J (ORAL)

Prayer is under Section 439 Cr.PC for grant of regular bail to the petitioner Dr. Hemant Kumar in case FIR No.106 dated 20.12.2015 for offences punishable under Sections 420 and 120-B of Indian Penal Code and Sections 22 & 23 of Pre-Conception and Pre-Natal Diagnostic Techniques(Prohibition of Sex Selection) Act, 1994 (PNDT Act) registered with Police Station Ahmedgarh, District Sangrur.

On a raid conducted on 20.12.2015 in the premises styled as M/s Hemant Hospital and Diagnostic Centre at village Jandali Kalan, Tehsil Malerkotla, District Sangrur the present accused along with four other co-accused were found to be engaged in determination of sex of the foetuses by

conducting pre-natal diagnostic tests. A recovery of Rs.15,000/- from the pocket of the present accused paid by the decoy customer was also effected. Present petitioner is the owner of the aforesaid Diagnostic Centre.

It is contended that the petitioner is in custody since 22.12.2015 and after completion of investigation challan stands presented on 18.2.2016. It is further contended that the trial is not likely to be concluded in near future as there are 40 cited prosecution witnesses.

Learned State Counsel assisted by ASI Gorakh Nath does not refute the factual situation, however opposes the grant of bail in the light of the allegations under the Special Act.

Without commenting on the merits of the case, keeping in view the custody period and the fact that challan stands presented and trial is not likely to be concluded in near future, the present petition is allowed and petitioner Dr. Hemant Kumar is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, Sangrur.

Petition stands disposed of.

**(JASWANT SINGH)
JUDGE**

April 11, 2016
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