

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

CRM-M No. 11851 of 2016 (O&M)

Date of Decision: 12.04.2016

Ajay Kumar

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr. V.P. Sangwan, Advocate
for the petitioner.

Mr. Kuldip Tiwari, Additional Advocate General, Haryana
for the respondent/State assisted by ASI Karamvir Singh.

JASWANT SINGH, J. (ORAL)

Prayer in this petition under Section 439 of the Code of Criminal Procedure, is for grant of regular bail on behalf of the accused/petitioner-Ajay Kumar in case FIR No. 61, dated 09.03.2016, for offences punishable under Section 4 of Medical Termination of Pregnancy Act, 1971 (in the impugned order (Annexure P-1) Section 3 of MTP Act also mentioned), Sections 18 and 23 of Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 (in the impugned order (Annexure P-1), Section 4 and 5 of PNDT Act also mentioned), (later on in reply, the police also added Section 201 of IPC), registered at Police Station Dadri City, District Bhiwani.

Allegations against the accused/petitioner are that he was a tout for the co-accused/non-applicant-Dr. Rashmi, who involved in determination of sex of the fetus of pregnant ladies and thereafter on its termination. A decoy lady customer was sent and the MTP kit was recovered from the co-accused/non-applicant-Dr. Rashmi.

It is contended that the petitioner is in custody since 10.03.2016, investigation qua him are over and the main accused-Dr. Rashmi has since been granted the bail by this Court on 07.04.2016.

Learned State Counsel, assisted by ASI Karamvir Singh, is unable to refute the custody period of the petitioner, as also the fact that the main accused-Dr. Rashmi has since been enlarged on bail.

Without commenting on the merits of the case, keeping in view the facts noticed above; parity of treatment and custody period of the petitioner, no useful purpose would be served by keeping the petitioner/accused in custody, the present petition is allowed and the petitioner is ordered to be released on bail subject to satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

April 12, 2016

'dk kamra'

(JASWANT SINGH)
JUDGE