

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

Date of decision:25/04/2016

Sapna

.....Petitioner

VS

State of Haryana

.....Respondent

CORAM:- HON'BLE MR.JUSTICE JASWANT SINGH

Present:- Mr.JS Saneta,Advocate for the petitioner.

Mr.Yashwinder Singh,DAG Haryana with ASI Narinder
Singh and Dr.Rajinder Kumar,Dy.Civil Surgeon,Karnal.

Jaswant Singh,J(Oral)

Prayer is for grant of regular bail in case FIR No.72 dated
16.1.2016 under Sections 420,417, 336, 409,315,316, 120-B,34 IPC
and Sections 3,4,5,6 of the PNDT Act,1994 and Sections 3,4,5 of the
MTP Act,PS City Karnal.

On a secret information house of co-accused Suman
Solanki, a qualified ANM employed with the State Government was
raided and it was found that there was a procedure of aborting female
fetus being conducted upon pregnant Reena. The amount of fee
charged, tools to be used for conducting the procedure were seized.

Petitioner-accused is sister of said Smt.Reena and she alongwith her

co-accused husband Rajinder have been nominated as accused being conspirators in the commission of offence under the aforesaid Acts.

It is contended that offence is triable by Magistrate and the petitioner is in custody since 17.1.2016 and challan presented.

Learned State counsel on instructions is unable to refute the aforesaid factual position.

Without commenting upon the merits of the case, the fact that the challan had been presented and evidence of 11 cited witnesses is yet to commence, and no useful purpose would be served by keeping petitioner in custody, the present petition is allowed and petitioner is directed to be released on bail subject to satisfaction of the CJM/Duty Magistrate concerned.

25.04.2016
joshi

(Jaswant Singh)
Judge