

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM No. M-13365 of 2016 (O&M)
Date of Decision: 31.05.2016

Nirmal Singh

--Petitioner

Versus

State of Punjab

--Respondent

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

Present:- Mr. Naresh Gopal Sharma, Advocate for the petitioner.

Ms. Anmol Grewal, D.A.G., Punjab.

TEJINDER SINGH DHINDSA.J

The present petition has been filed under Section 438 Cr.P.C seeking the concession of anticipatory bail to the petitioner in case F.I.R. No.98 dated 2.4.2016 under sections 5(2), 6(B), 18, 23(3) of Preconception and Prenatal Diagnostic Techniques (Prevention of Sex Selection) Act, 1994 and 120-B I.P.C, registered at Police Station, City Khanna, Police District Khanna, District Ludhiana.

Counsel for the parties have been heard.

Briefly, it may be noticed that the F.I.R came to be registered on the allegations of an ultra sonography test having been conducted with regard to a decoy patient namely Smt. Alka regarding determination of the sex of the foetus. As per allegations the ultra sonography test was conducted in the premises which were rented and occupied by the present petitioner and one Smt. Rachna, who was an employee of Sondh Hospital.

At the stage of preliminary hearing of this petition i.e. on 23.4.2016, counsel for the petitioner had set up a case that the petitioner is being falsely implicated and it is a case of mistaken identity. It had been asserted by the counsel by relying upon documents appended as Annexures

P-2 to P-4 that Smt. Rachna is a resident of House No.120, Guru Teg Bahadar Nagar, Ward No.5, Khanna, whereas the present petitioner is the resident of a village in Fatehgarh Sahib district. It was also contended that Smt. Rachna is not the wife of the present petitioner and the name of the wife is actually Joginder Kaur.

On the other hand, stand taken on behalf of the State is that even though, present petitioner may not be the husband of Smt. Rachna, yet, they are in a live-in relationship and are staying together in the rented premises described as House No.120, Guru Teg Bahadar Nagar, Ward No.5, Khanna.

Learned State counsel, who is on instructions from ASI Balbir Singh would inform the Court that during the course of investigation even the statement of Surender Singh i.e. the landlord of the premises has been recorded and who has affirmed the fact as regards the present petitioner to be staying along with Smt. Rachna. Furthermore, even the statement of Dharmender Singh, a co-tenant in the premises in question to the same effect has also been recorded.

Learned State counsel further submits that co-accused Dr. Harwinder Kaur i.e. owner of Sondh Hospital and who had been arrested, has also made a statement that the ultra sonography tests were being conducted in the premises, where the present petitioner and Smt. Rachna reside.

Prima facie, this Court is satisfied that the stand taken on behalf of the petitioner as regards he having nothing to do with Smt. Rachna and to be residing elsewhere is factually false and incorrect.

Smt. Rachna has till date not joined investigation and is stated to be on the run.

In view of the serious allegations and the apparent complicity of the present petitioner in the alleged offence, this Court is not inclined to extend in his favour the concession of pre-arrest bail.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

31.05.2016
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