

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

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**CRM-M-16718-2016
Date of Decision: May 23, 2016**

RAJENDER KUMAR

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM:- HON'BLE MR. JUSTICE JASWANT SINGH

Present: Mr.Jarnail S.Saneta, Advocate for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana
for the respondent/State assisted by S.I. Narinder Singh.

JASWANT SINGH, J.(Oral)

Prayer is for grant of regular bail on behalf of the petitioner in case FIR No.72 dated 16.01.2016, for offences punishable under Sections 420, 417, 336, 409, 315, 316, 120-B and Section 3,4,5,6,23 of Prenatal Diagnostic Techniques Act, 1994 and Section 3,4,5 of MTP Act, Police station City Karnal, District Karnal.

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

Petitioner accused is the husband of the co-accused Sapna and *Jija* of the aforesaid Smt. Reena and he along with her wife Sapna have been nominated as accused being conspirators in the commission of offence under the aforesaid Acts.

It is contended that the petitioner is in custody since 16.01.2016 and after completion of investigations challan presented. It is further submitted that the evidence of 11 cited witnesses is yet to commence. It is also submitted that similarly situated co-accused Sapna has been enlarged on bail on 25.04.2016 by this Court.

Learned State counsel on instructions of S.I. Narinder Singh, does not refute the above said factual position.

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, since the trial is not likely to be concluded in near further, the present petition is allowed and the petitioner is ordered to be released on bail subject to the satisfaction of Chief Judicial Magistrate/Duty Magistrate concerned.

Disposed of.

May 23, 2016
TSG

(JASWANT SINGH)
JUDGE