

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

**CRM No. M-19479 of 2016**

Date of decision:- August 05, 2016

**Rahul Malik**

**.....Petitioner..**

**Vs.**

**State of Haryana**

**....Respondent..**

**CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH**

Present:- Mr. Karan Pathak, Advocate for  
Mr. Gautam Dutt, Advocate for the petitioner.

Ms. Neelam Kashyap, DAG, Haryana.

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**JASPAL SINGH, J. (Oral)**

Instant petition has been preferred under Section 438 of the Code of Criminal Procedure by Rahul Malik, seeking pre-arrest bail, feeling apprehension of his arrest, in case FIR No.197, dated 11.05.2016, under Sections 23, 4, 5, 6 of the Preconception & Pre Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 and Section 420 and 120-B IPC, Police Station Model Town Rewari, District Rewari.

2. While issuing notice of motion vide order dated 31.05.2016, following order was passed by this Court:-

“Petitioner along with his father Yashpal is alleged to have been indulging in the sex determination racket.

Counsel for the petitioner submits that all the recoveries have already been effected and father of the petitioner who is owner of the diagnostic centre has been arrested. He also refers to the provisions of PCPNDT Act,

1994 and PCPNDT (Prohibition of Sex Selection) Rules, 1996 in context to Sections 27 and 28 of the Act to contend that the endeavour of the appropriate authority should be not to involve the police for investigating the cases under the Act as per Rule 18-A (3) (iv).

Notice to the Advocate General, Haryana, for 5.8.2016.

Meanwhile, an interim direction is issued that the petitioner will join investigation on or before 18.6.2016 or on any other day as required by the investigating officer along with any record or document required by the investigating officer. In case of petitioner doing so, he shall be released on interim bail to the satisfaction of the arresting officer.”

3. On instructions from ASI Subash, learned State counsel has submitted that the petitioner has already joined the investigation twice. Further, it has been submitted by her that the investigation is still in progress.

4. Since, the petitioner has already joined the investigation, this Court is of the considered view that his further custodial interrogation is not required.

5. Taking into consideration the aforesaid facts of the case, interim order dated 31.05.2016, is made absolute, subject to the conditions envisaged under Section 438 (2) Cr.P.C.

August 05, 2016  
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**(JASPAL SINGH)**  
**JUDGE**

**Whether speaking/reasoned: Yes/No**

**Whether reportable: Yes/No**