

Sr. No. 208

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

**CRM No. M-2343 of 2016 (O&M)
Date of Decision: 10.02.2016**

Sukhwinder Singh @ Kala

...Petitioner

Versus

State of Punjab

... Respondent

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

Present:- Mr. V.S.Rana, Advocate,
for the petitioner.

Mr. A.S.Kler, DAG, Punjab.

TEJINDER SINGH DHINDSA. J (ORAL)

This petition has been filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in case FIR No.222 dated 22.12.2015, under Sections 406 and 420 of Indian Penal Code, registered at Police Station City Samana, District Patiala, Punjab.

Counsel for the petitioner has contended that even as per version of the FIR, petitioner was only a paramedic and even if the allegations are taken to be correct at their face value, no offence under Section 406 IPC is made out. Even as regards offence under Section 420 IPC is concerned, there is no complaint having been lodged by the alleged patient, namely, Aman @ Manpreet Kaur from whom a certain sum of money had allegedly been taken.

Curiously even though the genesis of the allegations

pertain to illegal sex determination tests being conducted yet this Court has been informed that no proceedings were initiated against the owner of Aggarwal Ultrasound Centre where the raid was conducted. State counsel would justify that the owners of the Ultrasound Centre were associated but no incriminating material was recovered. It was found that only regular ultrasounds scan had been conducted.

Under such circumstances, custodial interrogation of the petitioner would not be warranted.

Prayer made in the present petition seeking anticipatory bail in case FIR No.222 dated 22.12.2015, under Sections 406 and 420 IPC, registered at Police Station City Samana, District Patiala, Punjab is accepted.

Petitioner is directed to appear before the Investigating Officer and to join investigation.

In the event of arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join investigation as and when called upon to do so and he shall remain bound by the conditions envisaged under Section 438(2) Cr.P.C., which are as under:-

(i) that the petitioner shall make himself available for interrogation before investigating officer as and when required;

(ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade

him from disclosing such facts to the court or to any police officer;

(iii) that the petitioner shall not leave India without the prior permission of the Court.”

Disposed of.

10.02.2016

vandana

**(TEJINDER SINGH DHINDSA)
JUDGE**