

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-30087 of 2016
DECIDED ON: September 16, 2016

RAJESH

.....PETITIONER..

VERSUS

STATE OF HARYANA

....RESPONDENT..

CORAM: HON'BLE MR. JUSTICE JASPAL SINGH

Present: Mr. Keshav Pratap Singh, Advocate,
for the petitioner.

Mr. Munish Sharma, AAG, Haryana.

JASPAL SINGH, J.

By virtue of instant petition preferred under Section 438 of the Code of Criminal Procedure, petitioner-Rajesh has sought pre-arrest bail, feeling apprehension of his arrest, in case FIR No.473, dated 04.08.2016, under Section 22 of the Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act, 1994 (for short, "Act"), Police Station Sadar Bhiwani, District Bhiwani.

2. The main contention of learned counsel for the petitioner is that a bare perusal of FIR, in context with Section 22 of the Act, even no prima facie offence is made out.

3. This Court is of the considered view that there is a debatable question as to whether offence under Section 22 of the Act is attracted to the facts and circumstances of the instant case. Thus, this Court is of the view that declining of pre-arrest bail, in the case in hand, would be prejudicial to the

interest of the petitioner.

4. Without expressing any opinion on the merits of the case and considering the above referred facts, this Court deems it a fit case to grant the concession of pre-arrest bail. Accordingly, petition is allowed and petitioner is directed to join the investigation on 29.09.2016 at 11:00 A.M. In the event of arrest, petitioner shall be released on pre-arrest bail at the satisfaction of the Arresting Officer/Investigating Officer subject to the conditions, as envisaged under Section 438(2) Cr.P.C.

September 16, 2016
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(JASPAL SINGH)
JUDGE

Whether speaking/reasoned: *Yes/No*

Whether reportable: *Yes/No*