

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

214

CRM-M-12534 of 2017

Date of Decision: May 02, 2017

Umardeen

....Petitioner

vs.

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Sunil K. Nehra, Advocate
for the petitioner.

Mr. Satish Saini, DAG, Haryana.

TEJINDER SINGH DHINDSA, J. (Oral)

This order shall dispose of the present petition filed under Section 438 Cr.P.C. seeking concession of anticipatory bail to the petitioner in F.I.R. No.562 dated 06.07.2016 under sections 2, 3, 3-A, 4, 5, 6, 23, Rules 3(3), 4, 9, 10, 18 of PC and PNDT Act and 420, 120-B of Indian Penal Code, registered at Police Station City Thanesar, District Kurukshetra.

On 11.04.2017, while issuing notice of motion, the following order was passed by this Court:-

“The petitioner seeks anticipatory bail in case FIR No. 562 dated 06.07.2016 under Sections 2,3,3-A, 4,5,6,23, Rules 3(3), 4,9,10,18 of PC and Pre-conception and Pre-Natal Diagnostic Techniques Act, 1996 (in short PNDT Act) and 420,120-B of the Indian Penal Code, registered at Police Station City Thanesar, District Kurukshetra. Learned counsel for the petitioner contends that the petitioner has not been named in the FIR. As per the allegations

levelled in the FIR, all the transactions took place between the decoy customer and one Amarjit Singh and Amit. He places reliance on Dr. Tejinder Pal Singh Multani vs. State of Punjab and another, 2015(2) RCR (Criminal) 399 and contends that as per Section 28 of the PNDT Act, the FIR could not be registered as cognizance can be taken only on complaint filed by the appropriate authority or an officer authorized in this behalf.

Notice of motion for 02.05.2017.

In the event of arrest, the petitioner Umardeen shall be released on interim anticipatory bail to the satisfaction of the Arresting/ Investigating Officer, subject to the condition provided under 438(2) Cr.P.C. The petitioner is also directed to join the investigation and cooperate with the Investigating Agency, as and when required."

Learned State counsel upon instructions from ASI Krishan Kumar would apprise the Court that the petitioner has since joined investigation.

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

Prayer made in the present petition is accepted.

The order dated 11.04.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

02.05.2017

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