

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

**Crl. Misc. No.M-19829 of 2017 (O&M)
Date of Decision: December 04, 2017.**

Sunder

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. John Kumar, Advocate
for the petitioner (s).

Mr. Amrik Narwal, DAG, Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 439 Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 235 dated 09.04.2017 registered for the offences punishable under Sections 3/4/5 Medical Termination of Pregnancy Act, 1971, 18 of Drugs and Cosmetic Act, 15(2) (3) Indian Medical Council Act and 312, 420, 511 of Indian Penal Code, at Police Station Hodal, District Palwal.

Heard.

Learned counsel for the petitioner submits that as per allegations of the prosecution, decoy patient namely Pinki was sent to co-accused Teena wife of Raju. The petitioner, who was a mediator in deal received ₹6,000/- from the decoy patient and took her to B.S.Nursing Home, Hodal for abortion. On reaching nursing home, co-accused Teena took out the tablet for abortion of pregnancy of the decoy patient and was taking her

of Pinki was recorded in the Court on 01.12.2017, wherein she has not supported prosecution version qua petitioner.

Learned State counsel submits that besides statement of Pinki there is other evidence against the petitioner which is to be produced by the prosecution.

Keeping in view the fact that decoy patient-Pinki has turned hostile, the petitioner was arrested in this case on 09.04.2017 and conclusion of trial will take considerably long time, the present petition is allowed. Petitioner Sunder is ordered to be released on regular bail on furnishing bail bond and surety bond to the satisfaction of concerned trial Court/Chief Judicial Magistrate/Duty Magistrate, subject to following terms:-

- (a) The petitioner shall comply with the conditions mentioned in Section 437(3) Cr.P.C.
- (b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn. The trial Court shall be competent to cancel his bail bond and surety bond and proceed to procure his presence in accordance with law. In that eventuality the petitioner shall have to apply for bail afresh.
- (c) He shall not leave the country without the previous permission of the Court.

(SURINDER GUPTA)
JUDGE

December 04, 2017
Sachin M./Jyoti-II

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>