

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

**CRM-M No.37656 of 2016
Date of Decision: 15.02.2017**

Dr. Sanjiv Kaushal

.... Petitioner

Versus

Dr. Suraj Bhan Kamboj

..... Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Gautam Dutt, Advocate
for the petitioner.

Mr. Manish Bansal, DAG, Haryana
for the respondent-State.

DEEPAK SIBAL J. (ORAL)

Through the present petition filed under Section 438 Cr.P.C., the petitioner seeks anticipatory bail in Complaint Case No.160-2, dated 20.08.2016/19.04.2016 registered under Sections 3(2), 4(3), 5 and 6, Rule 9(6), 18(ii)(v)(vii)(xi) read with Sections 23 and 25 of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Determination) Act, 1994 and Sections 120-B, 419, 420, 468 and 471 of IPC.

Learned counsel for the petitioner submits that FIR No.870 dated 25.11.2015 was registered against the petitioner under Sections 3, 4, 5, 6, 23 and 29 of PC & PNDT Act, 1994 read with Rules 9 and 18 of PC & PNDT Rules, 1994 (for short 'the Act'). Seeking anticipatory bail, the petitioner approached this Court through **CRM-M No.1254 of 2016** titled as “**Sanjiv Kaushal Vs. State of Haryana**” which through order dated February 26, 2016 was granted. During investigation of the

aforesaid FIR, the competent authority under the Act, on the same allegations as contained in the aforesaid FIR, filed a complaint before the trial Court on 20.08.2016 under the same Sections under which the aforesaid FIR has been lodged.

He submits that on the same set of allegations, the petitioner has already been granted the concession of anticipatory bail by this Court through the aforesaid order dated 26.02.2016 and, therefore, there is no reason to deny the same in the present complaint wherein the allegations are to the same effect.

It is still further submitted on behalf of the petitioner that in terms of the interim order of this Court dated 27.10.2016, the petitioner had surrendered before the trial Court on 08.11.2016 and on such appearance, after accepting of his bail bonds in the sum of Rs,1,00,000/- with two sureties in the like amount, he has been admitted to interim bail by the trial Court.

Learned State counsel does not dispute the above factual position.

Once on the same set of allegations as contained in the FIR No.870 dated 25.11.2015, the petitioner has already been granted anticipatory bail by this Court and that he in pursuance to the interim order passed by this Court has been admitted to interim bail by the trial Court, I find no reason to deny the concession of anticipatory bail to the petitioner.

Resultantly, while allowing the present petition, I direct that the ad-interim bail granted to the petitioner by the trial Court on 08.11.2016 be made absolute.

Nothing observed hereinabove shall be considered to be an expression of opinion by this Court on the merits of the case.

February 15, 2017

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**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No