

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

**CRM-M-38707 of 2016 (O&M)
Date of Decision: January 27, 2017**

Vinod Kumar

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Ravinder Malik (Ravi), Advocate
for the petitioner.

Mr. Deepak Sabherwal, Addl. A.G, Haryana.

FATEH DEEP SINGH, J.

The allegations against the petitioner in this anticipatory bail application under Section 438 Cr.P.C are that the office of Civil Surgeon, Kaithal had constituted a decoy customer to apprehend the persons who were carrying on sex determination tests and in the process decoy customer was taken to a room in the area of Saharanpur, Utter Pradesh and in pursuance of scheme when the raid was conducted to apprehend such persons red handed when the test was being undertaken it is alleged that the two persons have managed to escape. Learned counsel for the petitioner contends that neither the petitioner has been named in the FIR nor he has any role to play in the commission of offence and that even he has not been identified and the only semblance of evidence is that the Santro car is owned by him is unsubstantiated and uncorroborated.

Learned State counsel has sought to oppose the grant of

bail to the petitioner harbouring around the heinousness of the offence and the fact that the portable ultrasound machine which was being used for sex determination is to be recovered along with the amount of Rs.20,000/-.

Appreciating the submissions, with all fairness learned State counsel has conceded that there is not even an iota of evidence against the petitioner except the statement of co-accused Rajesh and legality, validity and acceptability of the same is a debatable issue. Since at this juncture nothing is to be recovered from the petitioner and joining investigation by the petitioner would suffice the purpose, the present application stands allowed. In the event of petitioner joining investigation within seven days, he be admitted to bail to the satisfaction of the arresting officer/Investigating Officer and that he will abide by the conditions as envisaged under Section 438(2) Cr.P.C. However, it is made clear that in case the petitioner joins investigation and subsequent thereupon recovery of incriminating articles are effected at his behest the State shall be within its right to move this Court for recalling of these orders.

(FATEH DEEP SINGH)
JUDGE

January 27, 2017

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