

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

CRM-M -40300 of 2016 (O&M)

Date of decision: 22.03.2017

Rishipal

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. Vineet Kumar, Advocate for the petitioner.

Mr. Saurabh Mohunta, DAG, Haryana
assisted by Insp. Mahabir Singh.

Jitendra Chauhan, J. (Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No.195 dated 16.10.2016, registered under Sections 3, 4, 5, 6 and 29 of Pre-conception and Prenatal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, at Police Station Kalayat, District Kaithal.

This Court on 21.12.2016, passed the following order:-

“Contends that the alleged raiding team was not constituted in terms of the judgment passed by this Court in CWP No.21565 of 2011, titled as 'Help Welfare Group Society Vs. State of Haryana and others'.

Post again on 13.02.2017.

The petitioner is directed to join the investigation.

Meanwhile, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on interim bail subject to the following conditions:-

- 1. That he shall make himself available for interrogation by a police officer as and when required;*
- 2. That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;*
- 3. That he shall not leave India without prior permission of the Court.*

It is contended that in pursuance of the order dated 21.12.2016, the petitioner has joined the investigation.

The learned State counsel submits that the raiding team was duly authorized by the appropriate authority and as per the guidelines in **Dr. Ravi Mohan Mahawar Vs. State of Rajasthan**, 2016(1) RCR (Criminal) 659. However, he fairly admits that petitioner has joined the investigation.

It is a moot point whether the alleged raiding team was duly authorized or not. However, considering the fact that the petitioner has repeatedly joined the investigation, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 21.12.2016, is made absolute, subject to furnishing bail bonds/surety bonds to the satisfaction of learned Chief Judicial Magistrate/Duty Magistrate, concerned.

The petition stands allowed.

22.03.2017
sumit.k

(JITENDRA CHAUHAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable:	Yes	No