

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

**Crl. Misc. No.M-954 of 2017 (O&M)
Date of Decision: October 25, 2017**

Jitender

.....PETITIONER(s).

VERSUS

State of Haryana

....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Ms. Deipa Singh, Advocate
for the petitioner (s).

Mr. Ashish Yadav, Addl.A.G. Haryana.

SURINDER GUPTA, J.(Oral)

The present petition has been filed under Section 438 Code of Criminal Procedure for grant of anticipatory bail to the petitioner in case FIR No.580 dated 23.11.2016 registered for the offences punishable under Sections 23, 27, 28, 4, 5, 6 of Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 at Police Station City Narnaul, District Mohindergarh.

Heard.

Learned State counsel submits that petitioner has though joined the investigation, but is not cooperating in getting the recovery of ₹25,000/- paid to him effected. The sim on which he contacted the decoy patient has also not been recovered. The police by now has obtained the call details of mobile allegedly used by the petitioner, which was in the name of son of his

maternal uncle.

The entire case is based on documentary evidence. Non-recovery of ₹25,000/- and sim from the petitioner could not be termed as lack of cooperation in the investigation by the petitioner. Keeping in view the nature of allegations against the petitioner but without expressing any opinion on the merits of the case, this petition is allowed and order dated 07.02.2017 is made absolute till the presentation of challan, subject to the following terms:-

- (i) that the petitioner shall make himself available for interrogation by the police as and when required;
- (ii) that the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer;
- (iii) that the petitioner shall not leave India without the prior permission of the Court.
- (iv) that the petitioner will seek regular bail on the presentation of challan in Court, which the trial Court will decide on the basis of evidence collected during investigation.

October 25, 2017
Sachin M.

(SURINDER GUPTA)
JUDGE

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

Whether Reportable: ***Yes/No***