IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

CRM-M-13731-2018 (O&M)
Date of Decision: 18.4.2018

Arvind Kumar

....Petitioner

VERSUS

State of Haryana **....Respondent**

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Mr. Rajesh Lamba, Advocate
for the petitioner.

Mr. Ashok Muthreja, DAG, Haryana.

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RAJ SHEKHAR ATTRI, J.(Oral)

Learned counsel for the petitioner submits that inadvertently Section 15(1)(a) of Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 has been written while in fact it is 5(1)(a) of the said Act.

The present petition has been filed under Section 439 Code of Criminal Procedure (for short, "Cr.P.C.) for grant of regular bail to the petitioner in case FIR No.6 dated 10.1.2018 registered for the offences punishable under Sections 420, 336 of Indian Penal Code (for short, "IPC"), Sections 5, 3, 4 of Medical Termination of Pregnancy Act, 1971, Sections 15(2), 15(3) of Indian Medical Council act, 1956 and Sections 5(1)(a), 6(a) and 29 of Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 at Police Station Punhana, District Nuh.

Heard.

Learned counsel for the petitioner submits that no abortion has taken place and there is no evidence if sex of foetus has been disclosed to

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anyone. The petitioner is in custody since 10.1.2018.

Without expressing any opinion on merits of the case and keeping in view the fact that conclusion of trial will take considerably long time, the present petition is allowed. Petitioner-Arvind Kumar son of Inder Ram Singh is ordered to be released on regular bail subject to the conditions, if any, and on furnishing bail bond and surety bond to the satisfaction of the 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(b) In the event of his absence on any date of hearing, the benefit of bail allowed to the petitioner shall stand withdrawn.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.

April 18 , 2018 **(RAJ SHEKHAR ATTRI)**
Paritosh Kumar **JUDGE**

Whether speaking/reasoned Yes/No

Whether reportable Yes/No

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