

IN THE HIGH COURT OF PUNJAB AND HARYANA

AT CHANDIGARH

Criminal Misc. No.M-32364 of 2018

Date of Decision: 21.11.2018

Naresh Kumar

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Sunil Garg, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana.

HARI PAL VERMA, J. (Oral)

Prayer in the present petition filed under Section 438 of the Code of Criminal Procedure, 1973 is for grant of anticipatory bail to the petitioner in Complaint No.127 dated 18.05.2017 under Sections 3, 4, 5, 6 & 23 of Pre-Conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, Sections 9(1)(2)(4) and 10(1) of its Rules, 1996, Sections 2d, 3, 4 and 5 of the Medical Termination of Pregnancy Act, 1971, Sections 420, 417, 336 IPC and Section 15(2) of the Indian Medical Council Act, 1956 filed in the Court of the Chief Judicial Magistrate, Karnal, District Karnal (Annexure P-1).

On August 01, 2018, noticing the contention of counsel for the petitioner that the petitioner has already been granted regular bail by this Court vide order dated 18.10.2016 passed in CRM-M-16047-2016 *Naresh Kumar Vs. State of Haryana* and that the complaint filed by the

complainant is on the similar set of allegations, the arrest of the petitioner was stayed. Further, vide order dated 17.09.2018, this Court while adjourning the case for today i.e. 21.11.2018, granted interim bail to the petitioner, in the event of his arrest, to the satisfaction of the arresting officer.

Counsel for the petitioner has argued that in fact the petitioner has approached this Court for grant of anticipatory bail in the complaint case, in which summoning has been issued and therefore, the petitioner is required to be admitted on bail by the trial Court.

Learned State counsel, on instructions from ASI Gulwinder Singh, does not dispute the fact that FIR No.72 dated 16.01.2016 under Sections 420, 417, 336, 409 IPC, Sections 3, 4, 5 and 6 of the Pre-natal Diagnostic Techniques Act, 1994, Sections 3, 4, 5 of the Medical Termination of Pregnancy Act, 1971 and Sections 315, 316, 120-B, 34 IPC (added later on), registered at Police Station City Karnal, District Karnal is more or less on similar set of allegations.

In view of above, the present petition is disposed of with a direction that in case the petitioner appears before the trial Court within 10 days from today, he shall be admitted on bail subject to furnishing of his bail bonds/surety bonds to its satisfaction.

November 21, 2018
AK

(HARI PAL VERMA)
JUDGE

Whether speaking / reasoned?

Yes / No

Whether reportable?

Yes / No