

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-39070-2017 (O&M)

Date of Decision: 06.02.2018

Beaula Singh

--Petitioner

Versus

State of Haryana

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. Sahil Khunger, Advocate for the petitioner.

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

TEJINDER SINGH DHINDSA.J (Oral)

This order shall dispose of the present petition filed under Section 438 Cr.P.C seeking the benefit of pre-arrest bail to the petitioner in case F.I.R. No.428 dated 20.9.2017 under sections 4 & 6(b) of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, registered at Police Station, Pataudi, District Gurugram.

While issuing notice of motion, the following order was passed by this Court on 16.10.2017:-

“Learned counsel for the petitioner, while making reference to Section 23 of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (for short, the PNDT Act), inter alia, contends that the petitioner is neither a medical geneticist, gynaecologist, registered medical practitioner nor she owns a genetic counselling centre, a genetic laboratory or a genetic clinic. She is not even employed in any such centre, laboratory or clinic. Therefore, she is not guilty of any of the provisions of the PNDT Act. Even the mobile phone No.8930472002 is neither in the name of the petitioner nor any of her family members.

Notice of motion for 08.12.2017.

In the meantime, in the event of arrest of the petitioner, she shall be released on ad-interim bail to the satisfaction of the arresting officer. However, the petitioner shall join the investigation as and when directed by the investigating agency and shall abide by the terms and conditions laid down under Section 438(2) Cr.P.C.”

Learned State counsel apprises the Court that the petitioner has since joined investigation. He, however, opposes the prayer for bail by contending that the present petitioner was the main conduit and to whom a sum of Rs.30,000/- had been made over by the decoy patient and such recovery is yet to be effected. State counsel further submits that custodial interrogation of the petitioner would be necessary to unearth the entire scam and to find out the involvement of the other accused.

Be that as it may, the observations contained in the notice of motion order have gone unrebutted.

Petitioner having joined investigation, the present petition is allowed. The order dated 16.10.2017, passed by this Court, is made absolute.

Petition disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

06.02.2018
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Whether speaking/reasoned:	Yes/No
Whether Reportable:	Yes/No