

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-40811 of 2018

.....

Date of decision:21.9.2018

Gurtej Singh

...Petitioner

v.

State of Punjab and others

...Respondents

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Kanishk Lakhanpal, Advocate for the petitioner.

Ms. Monika Jalota, Deputy Advocate General, Punjab for the
respondent-State.

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Inderjit Singh, J.

This petition has been filed under Section 439(2) Cr.P.C. for cancellation of regular bail granted to accused-respondent No.2 by this Court vide order dated 4.10.2016 (Annexure-P.2) in case FIR No.0163 dated 26.08.2016 registered for the offences under Sections 15(2)(B) and 15(3) of the Indian Medical Council Act, 1956; Sections 420, 511 and 34 IPC; Sections 3(1), 4, 5, 1A, 6A and 29 of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 and Rule 9 of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Rules, 1996 at Police Station City Kharar, District S.A.S. Nagar (Mohali).

Notice of motion to Advocate General, Punjab.

[2]

Ms. Monika Jalota, learned Deputy Advocate General, Punjab

has appeared on behalf of the respondent-State and contested this petition.

I have heard learned counsel for the petitioner as well as and learned State counsel and have gone through the record.

First of all, the FIR has been registered by the Sub Divisional Appropriate Authority i.e. Senior Medical Officer, Kharar. There is no mention in the FIR regarding any complaint of the present petitioner. The petitioner is not the complainant, therefore, he cannot file the petition for cancellation of bail granted by this Court to the private respondent. Secondly, a perusal of the record shows that regular bail has been granted to respondent No.2 in the FIR by holding that no useful purpose will be served by keeping her in custody till the disposal of the case vide order dated 4.10.2016 passed by this Court. There is nothing on the record that she had misused the concession of regular bail granted by this Court.

The only argument of the learned counsel for the petitioner is that another FIR has been registered against respondent No.2 in the year 2018 by the Sub Divisional Appropriate Authority.

Keeping in view the facts and circumstances of the present case and in view of the fact that the petitioner has no locus standi to file the petition, there is no reason or ground to cancel the bail granted to respondent No.2 by this Court.

Therefore, finding no merit in this petition, the same is dismissed.

September 21, 2018.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No