

**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

**CRM-M-46037-2018
Date of decision: 18.12.2018**

Harjit Singh Kang

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. Sanjeev Kumar Bawa, Advocate
for the petitioner.

Mr. Himmat Singh, DAG, Haryana.

ARVIND SINGH SANGWAN, J. (Oral)

The petitioner prays for grant of anticipatory bail in FIR No.0439, dated 12.09.2018, registered under Sections 420, 120-B IPC and Sections 18, 23, 3(3), 4, 5(2), 6(A) of the Pre-Natal Diagnostic Techniques (Regulation and Prevision of Misuse), Act, 1994, at Police Station Baldev Nagar, District Ambala.

The operative part of the order dated 22.10.2018, vide which the petitioner has been granted interim bail, is reproduced below:

“Learned counsel for the petitioner submits that as per the allegations made in the FIR, the Civil Surgeon, Ambala had received an information about the illegal activities of prenatal sex determination test of pregnant ladies and the informer Paramjeet Kaur informed about a lady, namely, Harjeet Kaur, who was involved in such type of practice. It is further stated in the FIR, when the informer Paramjeet Kaur contacted Harjeet Kaur, she demanded Rs.30,000/- for conducting such test and on receiving such information, a team was constituted and after withdrawing the amount from bank, the constituted team asked Paramjeet Kaur to bring a pregnant decoy lady for this purpose, who will help the department voluntarily. On 11.09.2018, the team called Paramjeet Kaur, who along with a

pregnant decoy lady went to Civil Surgeon Ambala at 6.30 a.m. The team gave the amount of Rs.30,000/- to Paramjeet Kaur to hand-over to Harjeet Kaur for the sex determination test. After that, the decoy pregnant lady and Paramjeet Kaur sat in private car hired by the department and went towards Kalka Chowk at 7.00 a.m. The team started following them. As soon as they reached there, Harjeet Kaur sat in the car and asked for Rs.30,000/- from Paramjeet Kaur and after handing over of Rs.30,000/- to her, they reached at Village Bhogpur, District Jalandhar via Ludhiana, Phagwara and they stopped at Ganesh sweets shop at main Pathankot road, Bhogpur, where three ladies were waiting for them. After that, Harjeet Kaur handed over some money to one of the lady and asked her to go with decoy pregnant lady in the car and get her sex determination test done. Thereafter, the raiding team informed the Civil Surgeon, Ambala regarding this proceeding who in turn informed Civil Surgeon, Jalandhar and requested to send the local team to join them. Thereafter, the team nabbed the ladies present there. On inquiry, it was found that the ultrasound of the decoy pregnant lady was done at a Bagha Hospital and Maternity Centre at a distance from the spot. The decoy pregnant lady identified the place and hospital where her ultrasound was done, but that room was found locked and no doctor was present at the hospital at that time. The decoy pregnant lady was informed that she is carrying a female child in her womb and she is required to go for abortion. Thereafter, Harjeet Kaur was arrested and amount of Rs.8,000/- recovered from her. Counsel for the petitioner submits that the petitioner is a doctor and he was not found present at the spot when the team visited and the Civil Surgeon-cum-District Appropriate Authority, Jalandhar has already filed a complaint against the petitioner under Sections 3A, 5, 6, 18 and 23 of the PreConception and Pre-Natal Diagnostic Techniques(Prohibition of Sex Selection) Act, 1994, before the Chief Judicial Magistrate, Jalandhar and the matter is sub-judice and on the same set of allegation, the present FIR has been registered at Ambala. Counsel for the petitioner further submits that it will be the debatable issue whether the Ambala police had jurisdiction to register the FIR, as the allegation against the petitioner pertains to the Hospital situated in Jalandhar and a complaint is already filed by the appropriate authority having jurisdiction of area. Counsel also submits that even during the pendency of the anticipatory bail application before the Sessions Judge, the petitioner

had joined the investigation, however, later on the said application was dismissed. Learned State counsel has not disputed the factual position, as explained above and submits that accused Harjeet Kaur stands arrested. List on 18.12.2018.”

Learned counsel for the petitioner submits that the petitioner, in pursuance to the order dated 22.10.2018, has already appeared before the SHO/Investigating Officer and has joined the investigation.

Learned counsel for the State, on instructions from ASI Sanjay Kumar, has not disputed the factual position and submits that the petitioner has joined the investigation and is no more required for any further investigation.

In view of the above, the petition is allowed and the interim bail granted to the petitioner, vide order dated 22.10.2018, is made absolute subject to the conditions envisaged under Section 438(2) Cr.P.C.

December 18, 2018

Waseem Ansari

**(ARVIND SINGH SANGWAN)
JUDGE**

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No