

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

**CRM-M-47936-2018
Date of decision: 18.12.2018**

Narotham Puri

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Ms. Gurpreet Kaur, Advocate for
Mr. Manvender Chauhan, 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. 439, 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.

Learned counsel for the petitioner submits that the allegations against the petitioner are that he has introduced a customer to Harjeet Kaur and the petitioner was not arrested at the spot.

Learned counsel for the petitioner has relied upon the order dated 22.10.2018, passed by this Court in CRM-M-46037-2018, vide which, co-accused Harjit Singh Kang has been granted interim anticipatory bail by this Court. The operative part of the said order reads as under:

“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 further submits that vide order of the even date, the interim anticipatory bail granted to co-accused Harjit Singh Kang has been confirmed by this Court.

Learned counsel for the State, on instructions from ASI Sanjay Kumar, has not disputed the factual position and submitted that the petitioner be directed to join investigation.

In view of the above, the instant petition is allowed.

The petitioner is directed to appear before the Investigating Officer and join investigation. On doing so, the petitioner shall be released on anticipatory bail subject to his furnishing bail/surety bonds to the satisfaction of the Investigating Officer.

However, the petitioner shall abide by 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