

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

**CRM-M No. 7645 of 2019
Date of Decision:-29.03.2019**

Dr. Satya Parkash Mishra

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. J.S. Bedi, Sr. Advocate with
Mr. Sunil Sihag, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

By filing the present petition under Section 438 of the Code of Criminal Procedure, the petitioner has sought anticipatory bail in FIR No. 1302 dated 30.12.2018, under Sections 3, 4, and 5 of the Medical Termination of Pregnancy Act, 1971, Sections 18-A, 18-B, 18(C), 27(b) (2) (ii) and 28 of Drugs and Cosmetics Act, 1940, Sections 4, 5(1)a, 6(a) and 23 of Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse), Act, 1994 and Sections 114, 315, 511, 201 and 120-B IPC, registered at Police Station Shivaji Nagar, Gurugram.

On 22.2.2019, this Court had passed the following order :-

“Learned counsel for the petitioner contends that

acting upon a secret information regarding conducting pre-natal sex determination by Satish, a trap was laid. As per the prosecution case, a decoy, namely, Sunita was set up to nab the persons involved in this activity and four persons were arrested, i.e. Satish, Devinder, Nitin and Dr. Gopal Krishan.

Learned counsel for the petitioner has invited the attention of the Court to Annexure P-2, i.e. the DDR entry bearing G.D. No.30 dated 04.01.2019 at Police Station Kotwali, District Sahajanpur (U.P.), which indicates that the petitioner along with Mohit Pandey was joined in investigation of this case. The petitioner was allowed to go back and now attempts are being made to arrest him as an accused.

Learned counsel further contends that admittedly nothing has happened at Satyawan Hospital Shahjanpur (U.P.), therefore there is nothing to remotely suggest the commission of alleged offences punishable under Sections 3, 4 and 5 of Medical Termination of Pregnancy Act, 1971, Section 18-A, 18-B, 18(C), 27(b) (2) (ii) and 28 of Drugs and Cosmetics Act, 1940, Sections 4, 5(1) a, 6(a), 23 of Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, and Section 114, 315, 511, 201 and 120-B of Indian Penal Code, 1860. The petitioner has been indicted in this case on the basis of disclosure statement made by co-accused who are in custody.

Notice of motion for 29.03.2019.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal

and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”

Learned counsel for the petitioner contends that in pursuance of the order dated 22.2.2019, the petitioner has joined the investigation.

Learned State counsel on instructions from S.I. Dharambir submits that the petitioner has joined the investigation and he is not required for custodial interrogation.

In view of the above, without expressing any opinion on the merits of the case, the interim bail granted by this Court vide order dated 22.2.2019, is made absolute.

The petition stands allowed.

March 29, 2019
Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No