

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

**CRM-M-13762-2019
Date of decision: 15.05.2019**

Paramjeet Kaur Chawla @ Paramjit Kaur

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. H. P. S. Ghuman, Advocate
for the petitioner.

Mr. Sukhdeep Singh Parmar, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No. 22 dated 25.01.2019 under Sections 3-A, 5, 6, 23 of the Pre-Conception & Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 and Sections 420, 120-B of the Indian Penal Code registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar. The petitioner apprehended her arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 27.03.2019, whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner.

The said order reads as under:-

“Learned counsel for the petitioner contends that a trap was laid by setting up a decoy patient for detection of sex determination test and the alleged decoy namely Priya had gone with Paramjeet @ Parminder, who were initially followed by the team laying the trap and at a later stage both the ladies went towards an undisclosed place and returned after an hour. At that stage, it was disclosed by co-

accused Paramjeet @ Parminder that the test has been carried out.

Learned counsel for the petitioner further contends that the offence, if any, was allegedly committed at Saharanpur and the amount was also recovered from Paramjeet @ Parminder. According to him, it is seriously debatable as to whether the cognizance by the police of Police Station Yamuna Nagar is justifiable in view of the provisions of Section 28 of Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994.

Notice of motion for 15.05.2019.

In the meanwhile, petitioner shall join the investigation and would come present as and when called for and in the event of arrest, he shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of the 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 further contends that in deference to the said order, the petitioner submitted herself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by ASI Kushal Pal does not dispute this fact that the petitioner has joined the investigation. Learned counsel on instructions from ASI Kushal Pal further states that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 27.03.2019 is made absolute. However, it is made clear that this order shall remain operative till the filing of the final report under Section 173 (2) Cr.P.C.

15.05.2019

SHABHA

*Whether speaking/reasoned
Whether reportable*

(MANOJ BAJAJ)

JUDGE

*Yes/No
Yes/No*