

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

**CRM-M No. 17271 of 2019
Date of Decision:-10.05.2019**

B.K. Bishwas

...Petitioner

Versus

State of Haryana

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present:- Mr. Pawandeep Singh, Advocate for
Mr. Gurmohan Singh Bedi, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, Haryana.

MANOJ BAJAJ J.(Oral)

Petitioner B.K. Bishwas has filed the present petition under Section 439 Cr.P.C. for grant of regular bail in case FIR No.1302 dated 30.12.2018, under Sections 3,4,5 of MTP Act, 1971, Sections 18-A, 18-B, 18-C, 27(b)(ii) read with Section 28 of the Drugs and Cosmetics Act and Sections 4,5(1)a, 6(a) and 23 of the Pre-Natal Diagnostic Techniques (Regularion and Prevention of Misuse) Act, 1994 and Sections 114, 315, 511, 201 and 120-B IPC, registered at Police Station Shivaji Nagar, Gurugram.

The FIR was registered on the basis of raid conducted by the team headed by Mr. Ramesh Dutt, Director, Speed, Search & Security Private Limited who is having MoU with Government of Punjab to curb the menace of sex determination. A secret information was received that Mobile Phone No.9667764815 belongs to an agent who is engaged in sex

determination of the fetus conducted by way of ultrasound of the patients of Punjab and Haryana. Acting upon this information, a decoy patient Sunita was set up and the said person was contacted and he asked for ₹35,000/- for detection of sex of the fetus. In co-ordination with the Gurugram Police, a joint operation was held and upon reaching Gurugram, Mr. Ramesh Dutt alongwith the decoy patient met said person Satish at bus stand at 3.00 a.m. on 30.12.2018. Said person Satish boarded the car in which Mr. Ramesh Dutt and the decoy patient were travelling. The said car was followed by Gurugram team and Punjab team jointly. The car of decoy patient moved towards Manesar and upon reaching there, one person came and talked to Satish. Then a Black Maruti Ertiga car came at Rajiv Chowk having registration No.HR26J DJ 0358. The person driving that car had a word with Satish and in the meantime, two more persons came to the spot and then asked Mr. Ramesh Dut to make decoy patient to sit in the Black Maruti Ertiga. Those four persons divided the money at Rajiv Chowk and one of them moved back. When three persons started Black Maruti Ertiga with decoy patient, the team stopped them and arrested all the three persons. FIR was registered.

Learned counsel for the petitioner has contended that the petitioner has been arrested on the basis of the confessional statement given by co-accused Satish and Devender. Neither he was named in the FIR, nor anything has been recovered from him. Learned counsel further contends that the petitioner is in judicial custody since 14.3.2019 and he is no more

required in the investigation. It is further pointed out that as far as the present raid and FIR is concerned, nothing has happened at Shahjanpur and it will be seriously debatable as to whether any offence qua the petitioner is made out. He further contends that the case of the petitioner is at par with co-accused Shakuntla Devi and Nitin, who have already been extended the benefit of regular bail by this Court vide CRM-M-3900 of 2019, decided on 26.2.2019 and CRM-M-11146 of 2019, decided on 26.3.2019, respectively.

On the other hand, learned State counsel, who is assisted by SI Suresh Kumar, has opposed the prayer for grant of bail to the petitioner on the ground that the offence committed by the petitioner is serious in nature. However, he does not dispute the fact that the present case is at par with co-accused Shakuntala Devi and Nitin.

Considering the above background of the case and the fact that trial will take considerable time and that the case of the petitioner is at par with co-accused Shakuntala Devi and Nitin (mentioned above), further detention of the petitioner is not justified. Resultantly, without meaning any expression of opinion on the merits of the case it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court, Gurugram.

The petition is allowed.

May 10, 2019

Vijay Asija

(MANOJ BAJAJ)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes / No
Yes / No