

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

CRM-M-23059-2019

Date of decision: 27.5.2019

GEETA @ GITANJALI

.....Petitioner

Versus

STATE OF HARYANA

.....Respondent

CORAM : HON'BLE MR.JUSTICE GURVINDER SINGH GILL

Present: Mr. Piyush Sharma, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana assisted
by SI Hari Om.

GURVINDER SINGH GILL, J. (ORAL)

1. The petitioner seeks grant of regular bail in case registered vide FIR No.30 dated 23.1.2019 under Sections 3, 4, 5 and 6 of Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 and Sections 420, 120-B of the Indian Penal Code registered at Police Station Tohana, District Fatehabad.
2. The allegations in nut-shell are that pursuant to receipt of a secret information that a gang was involved in sex Determination near Fatehabad, Tohana, a raiding team was constituted. One Jyoti was associated with the team as decoy client who was having pregnancy of 3 ½ months. It is alleged on 22.1.2019 said Jyoti was sent along with Kuldeep and Anjali and who approached Geeta working in a

private hospital and with whom a deal was struck for checking the pregnancy for an amount of ₹25,000/-. Kuldeep was sent along with Jyoti (decoy client) accompanied by Jyoti's grand-mother, mother-in-law, Ompati to meet Geeta. Geeta sat in the car of Kuldeep and asked him to take the car to District Moonak and upon reaching Moonak, Geeta alighted from the car and talked with Satnam Singh telephonically. It is alleged that after 2 hours a white coloured car came there and Geeta & Jyoti sat in the car and went away. After sometime Geeta called Kuldeep asking him to come to bus-stand Moonak and where the team apprehended Geeta on the spot and Jyoti informed the team that an ultra-sound has been conducted and she was informed that she was carrying a boy in her womb. It is further alleged that the team also recovered an amount of ₹11,000/- from Geeta and upon comparing serial numbers they were found to be the same which had been handed over by Civil Surgeon, Fatehabad. It is further case of the prosecution that thereafter Geeta led the team to the place where ultra-sound was conducted and from where they came to know that a lady named Krishna works as a midwife. It was informed that the said Krishna stays there alone and that another woman brings ultra-sound machine on a scooter. However, at that moment no one was present and upon entering the room no incriminating equipment was found from the room.

3. Learned counsel for the petitioner has submitted that she has falsely been implicated in the present case and that there is nothing on

record to show that the petitioner had conducted ultra-sound test and in any case no ultra-sound equipment was even recovered from the premises where the ultra-sound test is stated to have been conducted.

4. Opposing the petition, learned State counsel has submitted that since the petitioner was arrested while she had taken along the decoy client for the purpose of conducting an ultra-sound and even an amount of ₹11,000/- out of the marked currency notes handed over by Civil Surgeon, Fatehabad had been recovered from the petitioner, no case for grant of regular bail is made out. It has however been informed that the petitioner has been behind bars since 23.01.2019 and that challan had already been presented.
5. Having considered rival contentions addressed before this Court and while bearing in mind that the petitioner is a lady and has been behind bars since last more than 4 months and challan has already been presented, but charges are yet to be framed, in my opinion, no useful purpose would be served by further detaining the petitioner behind bars as conclusion of trial, in its normal course, is likely to take some time. The petition, as such, is accepted and it is ordered that petitioner be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

(GURVINDER SINGH GILL)
JUDGE

27.5.2019
Gaurav Sorot

Whether reasoned / speaking?
Whether reportable?

Yes / No
Yes / No