

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-27711-2019 (O&M)
Date of Decision:- 27.8.2019

Surender Singh alias Kala

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Anmol Partap Singh Mann, Advocate, for the petitioner.
Mr. Tanuj Sharma, AAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner-Surender Singh alias Kala seeks grant of regular bail in a case registered vide FIR No.28, dated 5.3.2019, registered at Police Station Ismailabad, under Sections 318, 34 IPC (Sections 45, 312, 316, 120-B IPC, Sections 18-A, 18-B of the Drugs and Cosmetics Act, 1940 and Sections 3, 4 and 5 of the Medical Termination of Pregnancy Act 1971 added and Section 34 IPC deleted subsequently).
2. The FIR was lodged at the instance of Mukesh Kumar wherein it has been alleged that on 4.3.2019 when he was going home from his

shop, then he noticed three women with muffled faces standing near a drain and who were searching for something in the drain with the help of a light. It is alleged that upon noticing the complainant, they switched off the light and in the morning the complainant came to know that a foetus was recovered from the place where those women had been found standing. It is further the case of prosecution that during investigation the name of said three women came to be known as Jamila wife of Lakhbir Khan, Shakila wife of Raj Kumar and Najni Begum wife of Ramjan Khan. It is further the case of the prosecution that Raj Kumar husband of Shakila had purchased medicines and MTP kit from the petitioner who is running a retail chemist shop so as to facilitate illegal termination of Jamila's pregnancy.

3. Learned counsel for the petitioner has submitted that he is holding a valid chemist licence and that he is sought to be nominated as an accused solely on the basis of disclosure statement made by Jamila, Shakila, Raj Kumar and Najni Begum and that in fact the said persons had initially made a statement to the effect that they had purchased MTP kit from Saharanpur but subsequently they changed their stand and stated that the same has been purchased from the petitioner whereas in fact there is nothing on record to show that the petitioner had ever stocked any such kind of kit or had sold any such kit to the co-accused.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner is a chemist and has been specifically nominated

as an accused by the other co-accused including Jamila who had got her pregnancy terminated, the involvement of the petitioner is evident and apparent.

5. I have considered rival submissions addressed before this Court. The petitioner is sought to be nominated as an accused solely on the basis of the disclosure statement made by co-accused the veracity and admissibility of which is yet to be tested during trial. In any case the investigation is complete and challan has already been presented. In these circumstances further detention of the petitioner will not serve any useful purpose since the 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-Surender Singh alias Kala be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.
6. The petition is accepted accordingly.

August 27, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No