

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-42582-2019 (O&M)

Date of decision: 15.10.2019

Rohit Kumar

... Petitioner

Vs.

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. S.C. Sabharwal, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for grant of anticipatory bail in FIR No.128 dated 09.09.2019 under Section 3-A of Pre-natal Diagnostic Techniques (Regulation & Prevention of Misuse) Act, 1994 and Sections 420/120-B IPC, registered at Police Station City Jalalabad, District Fazilka.

Learned counsel for the petitioner submits that as per allegations in the FIR, the raiding party received a secret information that two ladies namely Paramjeet Kaur and Parminder are involved in the business of sex determination. On conducting a raid, both the ladies were arrested and a sum of Rs.40,000/- was recovered. It is further submitted that later on, name of the petitioner surfaced on the basis of disclosure statement of co-accused, as a person who was to conduct the test. Learned counsel further submits that in the

entire proceedings, no medical instrument like ultrasound machine or any other kit meant for sex determination was recovered from the co-accused. It is also submitted that the petitioner is not involved in any such or similar case and even his name was not there in the secret information.

Learned State counsel, on instructions from ASI Chander Shekhar and on the basis of memo, recorded subsequent to conducting of the raid, has not disputed the fact that name of the petitioner was not there in the secret information.

In view of the above, this petition is allowed and the petitioner is granted anticipatory bail subject to the following conditions:-

1. *He shall make himself available for interrogation by a police officer as and when required;*
2. *He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer; and*
3. *He shall not leave India without previous permission of the Court.*

The Investigating Officer will issue a notice in writing to the petitioner for joining him in the investigation, as and when required.

[ARVIND SINGH SANGWAN]
JUDGE

15.10.2019
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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No