

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

**CRM-M No.48805 of 2019 (O&M)
Date of Decision: 12.12.2019**

Sandeep Singh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present:- Mr. B.D.Sharma, Advocate for the petitioner.

Mr. Arun Beniwal, DAG, Haryana for the respondent/State.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition has been filed under Section 438 Cr.P.C. for grant of pre-arrest bail to the petitioner in case bearing FIR No.671 dated 27.09.2019, under Sections 23, 29, 3(1), 3(2), 3(3), 3A, 3B, 4, 5(1)(a), 5(1)(b), 5(1)(c), 5(2), 6C of the PC & PNDT Act, 1994; Sections 120-B, 420 of the Indian Penal Code, 1860 and Section 188 of the Motor Vehicle Act, 1988 (Amendment 2015) registered at Police Station Assandh, District Karnal.

The case of the prosecution is that on receiving the secret information to the effect that a gang is doing the business of sex determination of the foetus outside the District Kaithal, a team was constituted by the Civil Surgeon, Kaithal and a decoy customer-Smt.

Rajwinder Kaur was informed about the raid. An amount of ₹ 30,000/- was given to the decoy customer for giving the same to the petitioner. On 27.09.2019 at about 09:00 AM, on asking of the petitioner, decoy customer along with secret informer went from Kaithal in a Car and joined the team of Civil Surgeon, Karnal after reaching at Village Thari, District Karnal at about 11:00 AM. At that time, a white colour i 20 Hyundai Car bearing registration No.HR-08X-4182 reached at Assandh road, Karnal near Thari, in which, three persons were sitting including the petitioner. The decoy customer, a pregnant lady, gave ₹ 30,000/- to the petitioner, who was already in the said i 20 Car and after receiving the amount, petitioner sat in the Car of decoy customer, in which, secret informer was sitting. Thereafter, co-accused Vajinder drove away the i 20 Car towards Jalmana and stopped at some distance, where the ultrasound was conducted by co-accused Ashok Kumar in the said Car and told about the sex of the child. After 15 minutes, i 20 Car reached at Assandh-Karnal road near Village Thari where the team caught hold of Ashok Kumar, but co-accused Vijender was apprehended at some distance in front of the house of one Kuldeep Singh s/o Sardar Surat Singh, whereas petitioner managed to flee from the spot along with the aforesaid amount of ₹ 30,000/-. One Portable Ultrasound prove (SNWAPBGIA013); one Ultrasound jelly (MFDYS Mitra Diagnostic and Surgical 64 Ganga Palace Complex, Rohtak) along with one mobile phone of Apple make were recovered from co-accused Ashok Kumar. Apart from the same, the i 20 Car which was used in the commission of crime, one mobile phone, copy of Aadhaar Card of Vijender, Driving License etc. were also recovered and taken into possession. During investigation, both co-

accused suffered their disclosure statements naming the petitioner as well as other co-accused.

Contends that petitioner has been falsely implicated in the present case and thus, he deserves the concession of pre-arrest bail as nothing is to be recovered from him.

On the other hand, learned State Counsel, on instructions from IO/ASI Parveen Kumar, opposed the present petition while submitting that petitioner has actively participated in the commission of offence as he received an amount of ₹ 30,000/- from the decoy customer and his custodial interrogation is required to know the truth.

Heard both sides and perused the paper-book.

In pursuance of order dated 25.11.2019, reply by way of affidavit dated 11/12.12.2019 of Sh. Dalbir Singh, Deputy Superintendent of Police, Assandh, District Karnal on behalf of respondent No.1/State has been filed. The same is taken on record. Copy supplied to the opposite side.

Perusal of the aforesaid affidavit reveals that decoy customer-Smt. Rajwinder Kaur, a pregnant lady, gave ₹ 30,000/- to the petitioner when he was sitting in the i 20 Car. One Portable Ultrasound prove (SNWAPBGIA013); one Ultrasound jelly (MFDYS Mitra Diagnostic and Surgical 64 Ganga Palace Complex, Rohtak) along with one mobile phone of Apple make were recovered from co-accused Ashok Kumar. The i 20 Car, which was used in the commission of crime, one mobile phone, copy of Aadhaar Card of Vijender, Driving License etc. were also recovered and taken into police possession. Two co-accused of the petitioner were apprehended at the spot.

Since there were only three police officials and thus, they cannot be said at fault for escaping of the petitioner from the spot. The allegations against the petitioner are not only direct, but serious in nature as he received ₹ 30,000/- from the decoy customer, a pregnant lady, thus, his custodial interrogation is required to know the *modus operandi* of entire racket and to collect the relevant materials in support of the prosecution case. Consequently, no ground for grant of anticipatory bail to the petitioner is made out. Hence, the present petition is dismissed.

The above observations may not be construed as an expression of opinion on merits of the case.

December 12, 2019

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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes