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

**CRM 10970 of 2020 in/and
CRM-M-8280 of 2020 (O&M)
Date of decision: May 21, 2020**

Deepak

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Sumit Sangwan, Advocate for the petitioner.

Mr. Kuldeep Tiwari, Addl.A.G. Haryana.

MAHABIR SINGH SINDHU, J

CRM 10970 of 2020

This is an application for preponing the date of hearing from 23.07.2020 to an early date.

Notice of the application to counsel opposite.

With the consent of both the parties and for the reasons mentioned in the application, the same is allowed. The main case is preponed from 23.07.2020 and taken up for hearing today itself.

CRM M-8280 of 2020

Present petition has been filed under Section 439 of the Code of Criminal Procedure, 1973 (for short 'Cr. P.C.') for grant of bail pending trial to the petitioner, in FIR No.414 dated 03.12.2019, under Sections 23, 24, 25, 4, 5

Act, 1994 and Sections 120-B, 419, 420, 463, 464, 465 of the Indian Penal Code, 1860 (for short 'IPC'), registered at Police Station City Jhajjar, Distt. Jhajjar.

As per prosecution case, allegation in this case, against the petitioner is that on 02.12.2019, on receipt of telephonic information, a raid was conducted in Medicare Hospital, Jhajjar. ASI Naresh Kumar reached at the said hospital, where Dr. Achal Tripathi presented the written complaint stating therein that the petitioner is working as a Resident Medical Officer. Petitioner was contacted by secret informer to conduct sex determination, whereupon he demanded Rs. 25000/- for sex determination. Thereafter, a decoy pregnant lady of 5 months gave her consent to the team to burst sex determination racket. Petitioner asked the secret informer to bring the patient to the hospital at 10.00 a.m., where he met them and made a referral slip on the name of Dr. Ravjyot Kaur by forging her signature as well as her stamp. Petitioner took Rs. 25000/- from decoy Sangeeta and asked her to go to Brahm Prakash Diagnostic Centre, Jhajjar to get normal USG (Ultrasound) where she got done her USG and the report was sent to the petitioner, who asked the decoy to wait till 3.00 as the radiologist will contact him at 3.00 p.m. At 3.45 p.m., petitioner called the secret informer and said that the report is negative and baby is 5 months old so abortion is difficult now. The raiding team of the doctors got recorded the calls which took place between the petitioner and the secret informer and CD in this regard was also prepared. Thereafter, team of the doctors entered Medicare premises, caught the petitioner and recovered a sum of Rs. 15000/- from him.

Contents that the petitioner is in custody since 04.12.2019 and after investigation in the matter, challan has already been presented on 31.01.2020; the present case is triable by Magistrate; and charges are yet to be framed. Also

the contention of the petitioner that there is no other criminal case pending against him.

The above factual position has been duly acknowledged by learned State counsel, but opposed the prayer by stating that the petitioner has committed very serious offence.

Heard both sides and perused the paper-book.

Petitioner is in custody since 04.12.2019 and there is no other criminal case pending against him.

Since the case is triable by Magistrate and the investigation is already over and charges are yet to be framed, thus trial will take sufficient long time. Consequently, in the opinion of this Court, further incarceration of the petitioner would not serve any purpose.

In view of the above, this petition is allowed. Petitioner is ordered to be released on bail, in this case, on his furnishing adequate bail bonds and surety bonds to the satisfaction of learned trial Court/Duty Magistrate concerned.

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

(MAHABIR SINGH SINDHU)
JUDGE

May 21, 2020

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Whether speaking/ reasoned: Yes/No

Whether Reportable: Yes/No