

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-22945-2020(O&M)

Date of Decision: 20.8.2020

Naib Singh

--Petitioner

Versus

State of Punjab

--Respondent

CORAM:- HON'BLE MR.JUSTICE TEJINDER SINGH DHINDSA.

Present:- Mr. M.K. Singla, Advocate for the petitioner.

Mr. S.S. Deol, DAG, Punjab.

TEJINDER SINGH DHINDSA.J (Oral)

Matter has been taken up through video conferencing via Webex facility in the light of the Pandemic Covid-19 situation and as per instructions.

Instant petition has been filed under Section 439 Cr.P.C seeking benefit of regular bail to the petitioner in case FIR No.157 dated 5.6.2020 under sections 3(1), 3(3), 4, 23, 25 of the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, Section 22 of N.D.P.S Act and Section 120-B I.P.C, registered at Police Station, Patran, District Patiala.

Counsel for the parties have been heard.

As per prosecution version, a sting operation was undertaken on the basis of a secret information that one Dr. Ashok Kumar and his wife Devinder Kumari were indulging in sex determination test. The raid having been conducted at Patiala Hospital, Patran Dr. Ashok Kumar was apprehended on the spot and his wife Devinder Kumari who was alleged to have done the test on a fictitious customer ran away. From the second floor

of the hospital alleged recovery of certain articles along with 1170 Tramadol tablets is stated to have been effected.

It is the argument raised by counsel that the petitioner has been roped in only on the strength of section 120-B I.P.C by alleging that he was acting as an agent to main accused Dr. Ashok Kumar and his wife Devinder Kumari. Petitioner was not present at the spot when the raid was conducted at Patiala Hospital, Patran and as such, has nothing to do with the alleged recovery and on account of which offence under Section 22 of N.D.P.S Act has been cited. Further contends that none of the provisions under the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 would be attracted in so far as the present petitioner is concerned.

Petitioner has been in custody since 5.6.2020.

Matter is stated to be still at the stage of investigation since report of the Chemical Examiner is awaited.

It is not the case made out on behalf of the State that the benefit of bail, if, granted to the petitioner would hamper the course of a free and fair investigation.

Without making any observations on merits, petitioner is held entitled to the benefit of bail.

Petitioner be enlarged on bail subject to satisfaction of Duty Magistrate concerned.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

20.8.2020

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Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No