

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

207

CRM-M-37314 of 2019

Date of Decision: 17.01.2020

Ajay Kumar

.....Petitioner

versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MANOJ BAJAJ

Present: Mr.Manoj Kumar Pundir, Advocate for the petitioner.

Ms.Tanushree Gutpa, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.22 dated 25.01.2019 under Sections 3-A, 5, 6, 23 and 25 of Pre Conception & Pre Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 and Section 420 and 120-B of IPC, registered at Police Station Sadar Yamuna Nagar. The petitioner apprehended his arrest at the hands of Police.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 05.09.2019 whereby while issuing notice of motion to the respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

“Learned counsel for the petitioner contends that the petitioner was not named in the FIR No.22 dated 25.01.2019 registered under Sections 3-A, 5, 6, 23 and 25 of Pre Conception & Pre Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 and Sections 420 and 120-B of Indian Penal Code, 1860 at Police Station Sadar, Yamuna Nagar. He was indicted on the basis of disclosure suffered by co-accused, namely, Sonu. Further reliance is placed upon the order

dated 15.05.2019 (Annexure P-2) whereby one accused, namely, Paramjeet Kaur Chawla was extended the concession of pre-arrest bail.

Notice of motion for 17.01.2020.

Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C.”

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by HC Sunil Kumar does not dispute this fact that the petitioner has joined the investigation. She on instructions from HC Sunil Kumar further submits that the petitioner is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 05.09.2019 is made absolute.

17.01.2020
Anjal

[MANOJ BAJAJ]
JUDGE

Whether speaking/reasoned :
Whether Reportable :

Yes/No
Yes/No