

In the High Court of Punjab and Haryana at Chandigarh

.....

Criminal Misc. No.M-51606 of 2019

.....

Date of decision:28.01.2020

Reenu Kumar

...Petitioner

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Ashok Kumar Verma

.....

Present: Mr. Karan Singh, Advocate for the petitioner.

**Mr. Gaurav Bansal, Assistant Advocate General, Haryana
for the respondent-State.**

.....

Ashok Kumar Verma, J.

The petitioner has filed this petition under Section 438 Cr.P.C. for grant of anticipatory bail in case FIR No.732 dated 12.09.2019 registered for the offences under Sections 420 and 120-B IPC and Sections 4, 5(1)(a), 6(a), 23, 24, 25, 26 and 29 of the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 (hereinafter referred to as 'PNDT Act') at Police Station Bhiwani City, District Bhiwani.

The brief facts of the case are that a team of doctor came to know that co-accused Sukhwinder used to take pregnant women to Dadri for sex determination at Ultrasound Centre. A decoy pregnant woman, namely, Sonia was sent to Sukhwinder, who took her to Dadri at a hospital

and after conducting Ultrasound, she was told that fetus was of a boy. According to the prosecution version, co-accused Sukhwinder took ₹35,000/- from Sonia out of which, he gave ₹12,000/- to the doctor through present petitioner.

Learned counsel for the petitioner contended that the name of the petitioner was not mentioned in the FIR. The petitioner is neither the doctor nor the owner of the hospital and he has no concern whatsoever with the concerned Diagnostic Centre. He further argued that the FIR in question was not registered by the appropriate authority as required under the provisions of PNDT Act. He further contended that the entire case against the petitioner is based upon so called disclosure statement dated 14.09.2019 made by co-accused Sukhwinder to the effect that he had conversation with the petitioner. The petitioner is innocent person and has been falsely implicated in this case on the basis of disclosure statement of co-accused Sukhwinder.

Learned State counsel argued that co-accused Sukhwinder had contacted with the present petitioner on telephone and had given ₹12,000/- to him. He further argued that the call details of Mobile Phone of the petitioner and the co-accused Sukhwinder have been obtained. He lastly argued that the custodial interrogation of the petitioner is very much required in order to elicit the true facts.

During investigation of above said FIR, co-accused Sukhwinder was arrested on 12.9.2019, who suffered disclosure statement and on analysis of CDRS of Mobile numbers being used by co-accused

[3]

Sukhwinder and petitioner Reenu Kumar, it has been found that they were constantly in touch with each other on the date of commission of offence and even prior to that.

From the above, it clearly shows that co-accused Sukhwinder and the petitioner seem to be hand in glove with each other and keeping in view the seriousness of the allegations against the petitioner, his custodial interrogation is necessary for complete and effective investigation of the case and to effect the recovery of the amount from him. In case custodial interrogation of the petitioners is denied to the investigating agency that would leave many loose ends and gaps in the investigation affecting the investigation being carried out adversely which is not called for.

In the case of **State represented by the C.B.I. Vs. Anil Sharma, 1997 (4) R.C.R. (Criminal) 268**, Hon'ble Supreme Court had observed that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is on anticipatory bail, in a case like this interrogation of suspected person is of tremendous advantage in getting useful information.

Having regard to the totality of the facts and circumstances of the case aforementioned specific role assigned to the petitioner cannot be underestimated, therefore, I do not find it a fit case to grant the concession of anticipatory bail to the petitioner.

Therefore, finding no merit in this petition, the same is dismissed.

However, it is made clear that above observations may not be

[4]

construed as an expression of opinion on the merit of the case pending before learned trial Court.

January 28, 2020.

(Ashok Kumar Verma)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No