

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

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**CRM-M-2544 of 2021
Date of Decision: 19.01.2021**

Rinkle Sehgal

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN

Present: Mr. G. S. Verma, Advocate for the petitioner.
Ms. Samina Dhir, DAG, Punjab.

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Avneesh Jhingan, J. (Oral)

The matter is taken up for hearing through video conference due to COVID-19 situation.

This is a petition seeking anticipatory bail in FIR No. 120 dated 24.12.2020, under Sections 3A, 3B, 23, 25 of the Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Act, 1994 and 420, 120-B IPC, Police Station Daba, Ludhiana.

A complaint was received from Chairman, District Operative Authority-cum-Civil Surgeon, Ludhiana. A raid was conducted at Shobha Nursing Care ST No. 1/4 Guru Nanak Nagar, Daba Lohara Road at Ludhiana. A decoy patient, namely, Paramjit Kaur having 16 weeks' pregnancy was taken to the nursing home, Shobha Rani demanded Rs.35,000/- for conducting gender test. After receiving the amount, an outside person was called to conduct the gender test. The serial numbers of currency notes given to Shobha Rani were noted down by Hisar Team. On having suspicion, the person who came to the nursing home for conducting the test fled away leaving behind the

Ultra Sound machine and white colour Creta car bearing registration No. PB-10HE-5219.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated and he is not a trained paramedic or radiologist to conduct the gender test. The contention is that even as per the case set up, only preparation was made and no test was conducted actually.

Learned counsel for the State, on instructions from ASI-Gurdial Singh submits that the petitioner is the owner of the car found at the spot; his business cards were recovered from the car as well as the premises of the nursing home showing him to be Public Relation Officer of Bawa Hospital, Ludhiana. She further submits that the petitioner has intentionally given wrong address before the trial court as well as this court as he is resident of House No. 2418 whereas address given is House No. 2148. The contention is that there was another FIR against the petitioner in which the allegations were that he picked up a child and sold the same, however the said matter was compromised as the complainant in that case was from lower strata of the society.

Learned counsel for the petitioner submits that the wife of the petitioner and Shobha Rani are friends and actually she had taken the car for personal use.

The allegations are serious in nature. The Society is already facing affects of pre-natal sex determination. In spite of specific statute having been legislated, the conduct of such tests is still continuing. The business cards of the petitioner are indicator of the fact that he is associated with the medical profession. *Prima facie*, the contention that car of the petitioner was asked for by Shobha Rani and he has no concern with medical profession cannot be accepted. His business cards specifically mention him to be Public Relation Officer of a hospital. Not only this, his business cards were also found in the premises of Shobha Nursing Home. His custodial interrogation would be necessary as the complaint needs a deeper probe to dig out the roots of the entire set up.

No case is made out for granting anticipatory bail to the petitioner.
The petition is dismissed.

However, it is clarified that nothing stated above shall be construed as an expression of opinion on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

19.01.2021
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Whether speaking/reasoned	Yes
Whether reportable	Yes