

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

CRM-M-2926 of 2021

DECIDED ON: 28th JANUARY, 2021

Shobha Rani

.....PETITIONER

VERSUS

State of Punjab

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Nand Lal Sammi, Advocate for the petitioner.

Ms. Samina Dhir, DAG, Punjab.

AVNEESH JHINGAN, J (ORAL)

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

This is a petition seeking regular bail in FIR No. 120 dated 24.12.2020, under Sections 3-A, 3-B, 5-6, 23, 25 Rule 3A(1) Pre-conception and Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Act, 1994 and 420, 120-B IPC, and 15 (2) of Indian Medical Council Act, 1956, 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 is not the main accused. She is not owner of nursing home and she is just a midwife. The test was to be conducted by the Doctor and she is in custody since 24.12.2020.

Learned state counsel vehemently opposes the prayer for bail. She submits that the petitioner is the owner of the Nursing Home. She was apprehended at the spot. She was the one who demanded money from decoy person, in other words, she was caught red handed as amount paid was recovered from her.

The allegations against the petitioner are serious. The case is with regard to pre-natal sex determination. It was on an information received that raid was conducted by sending decoy customers. The petitioner negotiated with the decoy customer and called a outside person for scanning and he came in Creta car along with the ultrasound machine. As per instructions of learned State counsel challan is yet to be produced and the matter is being investigated.

Considering the allegations, deep probe is to be inquired into to unearth the truth, no case is made out for grant of bail.

Dismissed.

(AVNEESH JHINGAN)
JUDGE

28th JANUARY, 2021
reema

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>