

102

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

CRM-M No. 5945 of 2021
Date of Decision: 14.09.2021

Basant Kumar

-Petitioner

Versus

State of Haryana

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Sanpreet Sandhu, Advocate,
for the petitioner.

Mr. Rajat Gautam, D.A.G., Haryana.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video conferencing.

Petitioner seeks grant of anticipatory bail under Section 438 Cr.P.C. in case bearing FIR No.07 dated 17.01.2021 registered under Sections 420, 120-B IPC and under Sections 4, 23, 25 and 29 of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act at Police Station Jathlana, District Yamuna Nagar.

Reply has not been filed by the State in compliance of order dated 12.02.2021.

Learned counsel for the petitioner submits that notice of motion was issued on 12.02.2021 by recording detailed facts.

The order reads as under:-

“Submits, inter alia, that the petitioner is not directly named in the FIR and that his complicity has transpired from the alleged statement of the person called Ved Prakash. Submits further that even according to the complainant in the FIR, it was a trap laid to allegedly unearth the illegal practice of gender determination stated to be carried on by the petitioner and his associates, and that assuming all the allegations to be true to the extent the same have been described concerning the actual occurrence of 17.01.2021, undisputedly, neither any person was actually cheated because a person who becomes a decoy with the aim to trap some other person can never be actually induced to do or abstain from doing any act, which is the sine qua non to constitute the offence under Section 420 IPC.

Submits further that by the same logic where the same person undergoing the disputed Test which was only with a view to trap a culprit was herself aware that she is not pregnant, no actual offence under the PNDT would lie, because all of that was in reality only a fictitious exercise.

Faced with this, Ld. State Counsel seeks time to file a detailed reply to answer the above

contentions raised on behalf of the petitioner.

Adjourned to 02.03.2021.

Meanwhile, in the event of arrest of the petitioner by the Arresting Officer, he shall be released on interim bail subject to the following conditions:-

- 1 That he shall make himself available for interrogation by a Police Officer as and when required;*
- 2 That he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any Police Officer and;*
- 3 That he shall not leave India without prior permission of the Court.*

12.02.2021
Ali

(SUDIP AHLUWALIA)
JUDGE”

Learned State counsel of course admits that no reply has been filed, but on instructions from Inspector Samey Singh submits that the petitioner has joined the investigation and he is no more required in further investigation of the case.

In view of above, order dated 12.02.2021 is hereby made absolute.

However, the petitioner shall keep on joining the investigation as and when required to do so and shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

Disposed of.

September 14, 2021

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

- 1. Whether speaking/reasoned : Yes/No
- 2. Whether reportable : Yes/No