

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

CRM-M-6282 of 2021

DATE OF DECISION :- March 17, 2021

Nisha Rani

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE H.S. MADAAN

Present:- Mr. C.B. Goel, Advocate for the petitioner.

Mr. Karan Garg, AAG, Haryana.

The case has been taken up through Video Conferencing.

Reply along with annexures filed by the State counsel be taken on record.

This petition for regular bail has been filed by petitioner Nisha Rani, aged about 29 years, resident of village Kalotha, Tehsil Ratia, District Fatehabad, an accused in F.I.R. No. 327 dated 29.12.2020 registered with Police Station City Ratia, District Fatehabad for offences under Sections 420 IPC and Sections 3, 4, 5, 6, 23, 25 and 29 of pre-conception and pre-natal diagnostic techniques (Prohibition of Sex Selection) Act, 1994.

Briefly stated the facts of the case as per prosecution story are that on receipt of secret information that some persons were engaged in doing work of sex determination of foetus of the pregnant women in the area of Fatehabad, a team of three Medical Officers was constituted with a direction to take action against the guilty persons. A pregnant woman

namely Smt. Meena Rani wife of Anil Kumar was chosen as a decoy customer. A sum of Rs.1,00,000/- was handed over to the team for that purpose. Serial numbers of such currency notes were noted down. The team so constituted received information that petitioner Nisha Rani alongwith her husband Om Parkash was involved in work of sex determination of the fetus being carried by the pregnant women. The team with the help of an agent contacted Sandeep, resident of village Diwana doing medical practice in village Babanpur. The deal was struck for a sum of Rs.1,00,000/-. Sandeep stated that pregnant woman be brought on 29.12.2020 at about 6.00 A.M. at Bus Stand, Kulan. Accordingly, one of the team members namely Dr. Girish accompanied the decoy pregnant woman in Swift Car at the disclosed place. Then Sandeep took Dr. Girish to place of Nisha Rani (petitioner) opposite Jain Samadhi Hospital, Lali Turn, Ratia. Sandeep had taken amount of Rs.1,00,000/- from Dr. Girish. He alighted from the vehicle of Dr. Girish and went to another vehicle and sent another woman namely Nisha with Dr. Girish for determination of sex. Nisha had taken Dr. Girish to Bhikhi via Budhaladha. The other team members followed them. Nisha had conversation with Om Parkash and the person doing sex determination on their mobile phones. However, on reaching Bhikhi, Nisha became suspicious and tried to flee but was apprehended. On personal search of such Nisha, 23 currency notes having denomination of Rs.2,000/- each were recovered from her in the presence of the Duty Magistrate. The distinctive numbers of currency notes matched with the notes released from the office of Civil Surgeon, Fatehabad. On being asked, Nisha disclosed that person doing the sex determination test was Kirpal Singh.

On information being given to the police, formal F.I.R was

registered and investigation in the case started. Petitioner Nisha Rani had filed an application for grant of regular bail before the Court of Sessions at Fatehabad. Her such application which was assigned to Additional Sessions Judge, Fatehabad who vide order dated 3.2.2021 had dismissed the same. Feeling aggrieved, she has approached this Court craving for grant of similar relief by way of filing the present petition, which is being opposed by the State counsel.

I have heard learned counsel for the petitioner and learned State counsel besides going through the record.

On being asked, learned state counsel has informed that petitioner Nisha Rani is not involved in any other criminal case. The petitioner is a young married woman of 29 years. As per learned counsel for the petitioner she is in family way. She is in custody since 29.12.2020. Although it is stated that the challan has been filed but it is at preliminary stage. The conclusion of trial is likely to take some time. The guilt of the petitioner shall be determined during the trial.

Keeping in view the totality of circumstances, I find that the petition deserves to be accepted and it is hereby allowed. Petitioner Nisha Rani is ordered to be released on bail on her furnishing bail bond and surety bond to the satisfaction of the learned trial Court/CJM/Duty Magistrate, Fatehabad subject to the following conditions :-

- (i) she shall appear in the Court on each and every date of hearing.
- (ii) she shall not give any threat or intimidation to the prosecution witnesses.
- (iii) she shall not leave India without prior permission of the Court and shall surrender her Passport, if she has got one, otherwise to furnish affidavit in that regard.

- (iv) she shall not indulge in any criminal activity.
- (v) she shall join the investigation as and when directed by the Investigating Officer.
- (vi) she shall got his presence marked in the local police station on every Saturday of the week between 11.00 A.M. to 2.00 P.M. so that an eye can be kept on her movements and she is deterred from indulging in any criminal activity.

In case the petitioner violates any term and condition on which the bail has been granted to her, the prosecution would be entitled to apply for cancellation of bail.

(H.S. MADAAN)
JUDGE

March 17, 2021

p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No