

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-8412-2021 (O&M)
Date of Decision: February 23, 2021

Mohd. Vasim Khan

... Petitioner

VERSUS

State of Haryana

.... Respondent

CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR

Present Mr. Aayush Gupta, Advocate
for the petitioner.

JAISHREE THAKUR, J.(Oral)

1. This is a petition filed under Section 438 Cr.P.C. for the grant of anticipatory bail to the petitioner in FIR No. 11 dated 12.01.2021 under Sections 420, 353, 120-B IPC and Sections 3(1), 3(2), 3(3), 4, 5 (2), 6(a), 6 (b), 6(c), 23 of The Pre-Natal Diagnostics Techniques (Regulation and Prevention of Misuse) Act, 1994 and Section 15(2)(B) of Indian Medical Council Act, 1956 registered at Police Station Badli, District Jhajjar.

2. Learned counsel for the petitioner herein would contend that the petitioner has been falsely implicated in the case and all the allegations so leveled therein are unfounded. It is argued that when the medical team Faridabad came to the spot they could have arrested him but did not do so. Moreover, no recovery has been effected from him regarding any ultrasound

machine.

3. Notice of motion.

4. Mr. P.P.Chahar, DAG, Haryana accepts notice on behalf of the respondent-State and opposes the grant of anticipatory bail to the petitioner while submitting that the petitioner herein has specifically been named in the FIR as the person who would be conducting the ultrasound himself for sex determination. He was contacted on phone by co-accused Darshan Chauhan regarding the procedure to be done for sex determination of the fetus and the petitioner herein is none other than the owner of Shifa Charitable Hospital, where the decoy Ms. Jyoti was taken regarding getting the sex determination test done.

5. I have heard the learned counsel for the parties and have also perused the FIR wherein there are specific allegations that the petitioner herein had performed the sex determination test through ultrasound machine and had told the decoy patient Jyoti that the foetus was minus which would translate of being the foetus of a girl. Thereafter the decoy Jyoti, customer asked the meaning of the term minus and was then informed by the petitioner that plus would mean the foetus of a boy and minus mean that the fetus of a girl. There is also an allegation that the petitioner herein came out of his cabin and shouted upon the investigating team and further interfered in the investigation that was to be done. In view of the specific allegation, that the petitioner herein was the person who was conducting the sex determination tests, this Court finds no ground to allow the petitioner benefit of anticipatory bail.

6. Accordingly the petition is dismissed. However, any observation made herein would have no bearing on the merits of the case and has been restricted for the anticipatory bail.

February 23, 2021

(JAISHREE THAKUR)
JUDGE

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Whether speaking/reasoned	Yes
Whether reportable	No