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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-10419-2021
Date of decision-07.07.2021

MALKEET SINGH **...Petitioner**

Vs.

STATE OF HARYANA **...Respondent**

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Ravneet Singh Joshi, Advocate for the petitioner.

Kanwar Sanjiv Kumar, AAG, Haryana.

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MANOJ BAJAJ, J. (ORAL)

This petition has been filed by the petitioner under Section 438 Code of Criminal Procedure for grant of anticipatory bail in case FIR No.309 dated 10.09.2020 under Sections 3(1), 4, 5(1)(a), 6(a) 23 Pre Conception (in short PC) of PRE-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act 1994 (In short PNDT) and Sections 420 & 120-B of Indian Penal Code, 1860, registered at Police Station Ambala Sadar, District Ambala. The petitioner apprehended his arrest at the hands of Police, in the above FIR.

Learned counsel for the petitioner has invited the attention of the Court to the order dated 05.03.2021, whereby, while issuing notice of motion to respondent-State, the interim protection was extended to the petitioner. The said order reads as under:-

> *"Learned counsel for the petitioner has contended that as per FIR itself, the team constituted for apprehending the accused allegedly involved in*

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> *determination of sex of the foetus, lost contact with the decoy customer and never visited the alleged place of occurrence. He submits that the co-accused of the petitioner, namely, Taranjit Singh and Pardeep Kaur have already been released on pre-arrest bail vide orders dated 11.01.2021 passed in CRM-M-34011-2020 and CRM-M-31221-2020 (Annexures P-2 and P-3 respectively) and therefore, in the given facts, the custodial interrogation of the petitioner may not be necessary.*
>
> *Notice of motion for 07.07.2021.*
>
> *Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on his furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438(2) Cr.P.C."*

Learned counsel for the petitioner further contends that in deference to the said order, the petitioner submitted himself before the Police and joined the investigation. According to him, the petitioner cooperated with the Police Authorities during the investigation and furnished requisite bonds to the satisfaction of the Investigating Officer/Arresting Officer.

Learned State counsel who is assisted by Dharampal does not dispute this fact that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering above, the petition is allowed and the interim bail granted by this Court vide order dated 05.03.2021 is made absolute.

(MANOJ BAJAJ)
JUDGE

07.07.2021

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Whether speaking/reasoned : Yes No

Whether Reportable : Yes No

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