

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-12667-2021 (O&M)
Date of Decision:-23.3.2021

Dr. Aprajita Bansal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by SI Vinod Kumar.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.(Oral)

1. The petitioner has approached this Court seeking grant of regular bail in respect of the case registered vide FIR No.121 dated 23.2.2021 registered at Police Station City Ballabgarh, District Faridabad, Haryana under Sections 4, 5, 6, 23, 29 of Preconception and Prenatal Diagnostics Techniques (Prohibition of Sex Determination) Act 2003, Section 5 of Medical Termination of Pregnancy Act and Sections 332, 353, 120-B and 420 of Indian Penal Code.
2. The case of the prosecution is that pursuant to a complaint dated 22.2.2021, the instant FIR was registered, wherein it is alleged by the complainant Dr.

Harjinder Singh, SMO, CHC, Khedikalan, Faridabad that the petitioner Dr. Aprajita Bansal and her associates were indulging in illegal sex determination tests with the help of ultrasound machines installed at Bansal Nursing Home, Ballabgarh, which is being run by the petitioner. It is specifically alleged therein that several members of the staff working in the said Nursing Home were also involved in the illegal racket. A decoy patient had been sent and co-accused Virender Bhati took an amount of ₹15,000/- from the decoy patient and after conducting the test the decoy patient was informed that the child carried in her womb was a male child.

3. Learned counsel for the petitioner has submitted that the petitioner is a reputed doctor in the area and has been in private practice since the last 13 years and enjoys an impeccable reputation and there has been no complaint whatsoever against her during the last 13 years much less any complaint under provisions of PC & PNDT Act. It has further been submitted that, in any case, even if the allegations as levelled in the FIR are taken to be correct, the same are against the co-accused Virender Bhati, who on his own might have conducted some tests in the premises of the Nursing Home of the petitioner without her knowledge.
4. Opposing the petition, the learned State counsel has submitted that since the petitioner is specifically named in the FIR and reliable secret information had been received against her which stands duly substantiated upon a decoy patient having been informed about the sex of fetus, the complicity of the petitioner is clearly evident. The learned State counsel has further submitted that since challan has not been presented in the instant case, there is every likelihood that the petitioner may tamper with evidence and, as such, does

not deserve the concession of bail. The learned State counsel has, however, informed that petitioner is not involved in any other case.

5. I have considered rival submissions addressed before this Court.
6. It is no doubt correct that the petitioner is specifically named in the FIR and a secret information is stated to have been received against her and a decoy patient handed over an amount of ₹15,000/- to one Virender Bhati, who was an employee of the petitioner, and after determining the sex of the child in the womb, the said decoy patient was informed about the same. It is a case where the petitioner, who is a lady and had been in profession since the last about 13 years, is not stated to be involved in any other identical case. The petitioner has been in custody since the last about 1 month. As such, further detention of the petitioner will not serve any useful purpose, particularly when the ultrasound machine and other equipment installed at the Nursing Home has already been sealed, which would mean that the petitioner would not be able to tamper with the same. The petition, as such, is accepted, and the petitioner is ordered to be released on bail subject to her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

23.3.2021

pankaj

**(Gurvinder Singh Gill)
Judge**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No