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

**CRM-M-10036-2020
Date of decision-20.09.2021**

JITENDER KUMAR**...Petitioner**

Vs.

STATE OF HARYANA**...Respondent****CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ**

Present: Mr. Aakash Juneja, Advocate
for the petitioner.

Kanwar Sanjiv Kumar, AAG, Haryana.

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.39 dated 07.02.2020, under Sections 4, 5(1)a, 5(1)b, 5(1)c, 5(2), 6 (a)(b)(c), 18, 23 Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, registered at Police Station Civil Lines, Gurugram, District Gurugram. 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 06.03.2020, 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 contends that the petitioner is neither named in the FIR nor was involved in the alleged crime and has been indicted as an accused

on the basis of the statement given by the co-accused, who was arrested on the spot.

Notice of motion for 16.07.2020.

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 submits 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 L/ASI Pinki does not dispute this fact that the petitioner has joined the investigation but has opposed the prayer as his custodial interrogation is required to recover the portable ultrasound machine.

At this stage, learned counsel for the petitioner has argued that the raiding team had arrested the main culprit namely Anand from whom the marked currency notes of Rs.50,000/- were recovered. He submits that thereafter the Faridabad team had communicated the involvement of accused Sachin, Keshav and Manoj Kumar Mandal in the alleged crime and the petitioner has been indicted on the basis of disclosure statement made by Sachin. According to him in this background, the custodial interrogation of the petitioner may not be necessary.

Considering the above, the petition is allowed and the interim

bail granted by this Court vide order dated 06.03.2020 is made absolute.

(MANOJ BAJAJ)
JUDGE

20.09.2021

<i>Vipin kumar</i>	Whether speaking/reasoned :	Yes	No
	Whether Reportable :	Yes	No