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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 07.07.2021

1. CRM-M No.19975 of 2021 (O&M)

Ravi Kumar

....Petitioner

Versus

State of Haryana

....Respondent

2. CRM-M No.21881 of 2021 (O&M)

Ajit

....Petitioner

Versus

State of Haryana

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sunil Saharan, Advocate
for the petitioner.

Mr. Tanuj Sharma, AAG, Haryana.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in these petitions is for grant of regular bail to the petitioners namely Ravi Kumar and Ajit under Section 439 of the Code of Criminal Procedure (in short 'Cr.P.C.') in FIR No.82 dated 19.02.2021, for offence punishable under Sections 4/5(2)/6(B)/23 AND 25 of the P.C. & P.N.D.T. Act, 1994 and 420/120-B of the Indian Penal Code, 1860 (in short 'IPC') registered at Police Station City Hisar, District Hisar.

Counsel for the petitioner has submitted that as per the allegations in the FIR, registered at the instance of Dr. Anamika Bishnoi, Deputy Civil Surgeon-cum-Nodal Officer, PNDTC, Hisar, on

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receiving a secret information, a team was constituted and one Saroj was made a decoy customer to unearth a gang of people who are doing pre-natal sex determination. It is further stated in the FIR that Saroj contacted a tout i.e. the petitioner – Ravi Kumar for determination of pre-natal sex and the deal was struck for Rs.55,000/- and thereafter, the team handed over Rs.55,000/- to decoy customer Saroj. Ravi Kumar called them at a hospital where Saroj and her husband reached there and after sometime, when Ravi reached there, the amount was handed over to him and thereafter, he called someone there and a person on a motorcycle reached there, who was later on known as Ajit Singh and Ravi handed over some amount to him. Thereafter, a raid was conducted and all of them were nabbed and Rs.5,000/- was recovered from the petitioner Ravi whereas Rs.23,500/- was recovered from Ajit out of the amount which was paid by decoy customer.

Counsel for the petitioner has further submitted that the petitioners are the first offenders and they are not involved in any other case and they are in custody for the last about 04 months and 16 days. It is further submitted that the allegations in the FIR is only of receiving the amount, however, no pre-natal sex determination was conducted at the hospital, whose name has surfaced during the investigation. It is further submitted that even no evidence has come on record that the petitioner had any connection with the said hospital for the purpose of pre-natal sex determination test and the only allegation is that they had made preparation for conducting such a test. Lastly, it is submitted that since the petitioners are no more required for any further custodial investigation, therefore, they may be granted the concession of bail.

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Counsel for the State on the basis of the Custody Certificate has not disputed the factual position but opposed the prayer for bail.

Without commenting anything on merits of the case, considering the fact that the petitioners are in custody for the last 04 months and 14 days; the petitioners are not involved in any other case; the custodial interrogation of the petitioners is not required and the conclusion of the trial will take some time due to COVID-19 situation, this petition is allowed and the petitioners are directed to be released on bail subject to their furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate.

However, it will be open for the prosecution to apply for cancellation of bail of the petitioners, in case they are found involved in any other case or misusing the concession of bail, in any manner.

(ARVIND SINGH SANGWAN)
JUDGE

07.07.2021

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No