

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

CRM-M-21082 of 2021

DECIDED ON: 13th October, 2021

Anju Chauhan

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Deepinder Singh, Advocate for
Mr. R.S. Hooda, Advocate for petitioner.

Ms. Geeta Sharma, DAG Haryana.

AVNEESH JHINGAN, J (ORAL)

This petition under Section 439 Cr.P.C. is filed seeking regular bail in case of FIR No. 248 dated 13.4.2021, under Sections 18, 23 3(1), 4, 5 (2), 6(b) of the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, Section 18-A, 18(c) of Drugs and Cosmetics Act, 1940, 15(2)(B) of Indian Medical Council Act and Section 120-B, 420 of IPC of 1860, registered at Police Station Ballabgarh, District Faridabad (later challaned under Section 468, 470 and 471 IPC as well).

Brief facts are that a complaint was received by the Civil Surgeon, Palwal to the effect that Dr. Sunder Pal Chauhan husband of Anju Chauhan (petitioner) indulging in pre-natal sex determination of fetus. Finding the information worth reliance a team was formed including a decoy customer and Surrender posed as husband of the decoy customer. He made a call on the mobile number of the petitioner for determination of sex of the fetus. On 2.4.2021 Surrender contacted the petitioner, she stated that the time and date would be confirmed. The deal was struck for Rs.15,000/. On 12.4.2021, husband of the petitioner called Surrender at M/s Chauhan Clinic along with

the payment. The team was informed. Money was paid to the husband of the petitioner, he was caught red handed. As per the case set up, the petitioner was actively involved in the deed of her husband. She is not possessing the necessary qualification of a doctor, she is only a diploma holder in Ayurvedic and Tibbi Systems of Medicine.

Learned counsel for the petitioner submits that the petitioner is in custody since 13.4.2021. Investigation is complete. Petitioner was not apprehended from the spot. No recovery was made from the petitioner.

Learned State counsel opposes the prayer for grant of bail and submits that there are call details between the petitioner and her husband and also four calls were made by Surinder posed husband of decoy customer to the petitioner. She on instructions submits that the challan was presented on 11.6.2021.

The petitioner is in custody since 13.4.2021. She was not apprehended from the spot. No further recovery is to be made, she has no criminal antecedents, investigation is complete, conclusion of trial is likely to take time. Bail is granted to the petitioner on furnishing surety bonds to the satisfaction of the Chief Judicial Magistrate/ Duty Magistrate concerned.

The petition is allowed.

It is clarified that the observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

13th October, 2021

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(AVNEESH JHINGAN)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>