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CRM-M-18599-2021
Avtar Singh vs. State of Haryana

CRM-M-30303-2021
Manpreet Singh vs. State of Haryana

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CRM-M-52503-2021
Davinder Kumari vs. State of Haryana

Present: Mr.Munish Gupta, Advocate,
for the petitioner in CRM-M-18599-2021.

Mr. S.P.Singh, Advocate,
for the petitioner in CRM-M-30303-2021.

Mr.Sandeep, Advocate for
Mr. Karamjit Singh Chahal, Advocate,
in CRM-M-52503-2021.

Mr. Munish Sharma, AAG, Haryana.

Case heard *via* video conferencing.

CRM-M-18599-2021

Learned State counsel has vehemently argued that the petitioners' name having been disclosed by a co-accused Jasbir Singh, as the person who was also facilitating prohibited sex determination tests by taking money from the customers and passing on to the doctor who was actually conducting the test (Davinder Kumari, the petitioner in CRM-M-52503-2021), his custodial interrogation is very much required.

Upon query to him as to whether, other than the disclosure statement of Jasbir Singh, any evidence has been found of any link between the petitioner and Dr. Davinder Kumari and her husband Ashok Kumar, he submits that, as per his instructions, call detail records were obtained and he would place them on record by way of an affidavit of a gazetted officer.

Adjourned to 12.01.2022.

To be shown in the urgent motion list.

Interim order to continue till that date only and specifically.

The reply filed by the DSP, Ambala Cantt., dated 09.11.2021, is ordered to be taken on record.

CRM-M-30303-2021

On 02.08.2021, the following order had been passed by this court:-

“Case heard by way of video conferencing.

By this petition, filed under the provisions of Section 438 of the Cr.P.C, the petitioner seeks the concession of anticipatory bail, upon FIR no.39, dated 19.02.2021, having been registered at Police Station Sadar, District Ambala, alleging therein the commission of offences punishable under Sections 3(1), 4, 5(1)(a), 6(a) and 23 of the Pre-Conception & PreNatal Diagnostic Techniques Act, 1994 and Sections 420 and 120B of the IPC.

Learned counsel for the petitioner submits that the petitioner not having been named in the FIR, upon query to the learned State counsel, he submits that in fact the ‘Skoda’ car, in which a ‘decoy pregnant lady’ (name given in the FIR) was taken to District Patiala, Punjab, belongs to the petitioner, with the allegation against the petitioner being that he is the doctor who has conducted the test.

Learned counsel for the petition submits that the petitioner is only a simple graduate (and not an MBBS graduate), and therefore the question of him having conducted the test does not arise.

Though an issue of jurisdiction may also come up, with the FIR registered at Ambala and the test having been conducted in District Patiala, the allegation against the petitioner being rather serious, at this stage I would not consider it appropriate to admit him to interim bail, with a gazetted officer directed to file an affidavit before the next date of hearing, as regards, firstly, how jurisdiction would be available with the Civil Surgeon at Ambala; and second, as to what has been found out with regard to the petitioners’ qualification etc. and on what basis it has been stated that he had actually conducted the sex determination test.

Adjourned to 13.08.2021.”

Thereafter, an affidavit having been filed in reply to the petition by the SSP, Ambala, today learned State counsel submits from a reading thereof that the Skoda car to which the 'decoy lady' was transferred at Bahadurgarh, (and thereafter taken to Patran), was found to be though registered in the name of a different person, but it was insured by the petitioner on account

of the fact that he had “purchased it on affidavit” and consequently, very obviously, actually he is the person who owns the car.

Having considered the above, without making any comment on the actual merits of the case, in view of the serious nature of the offences, and with it stated to be a racket being run from Ambala, and the petitioner seemingly (at this stage at least) being complicit in the running of the racket, I find no reason to continue with the petition, which is consequently dismissed, with the interim order hereby vacated.

However, obviously all observations made by this court in any order passed in this petition would be taken wholly in the context of a petition filed under the provisions of Section 438 Cr.P.C.

CRM-M-52503-2021

On a request for an adjournment made on behalf of learned counsel for the petitioner, adjourned to 12.01.2022.

No notice of motion having been issued, obviously there is no interim order operating in favour for the petitioner in this petition.

(A photocopy of this order be placed on the files of the connected cases).

December 17, 2021

dharamvir/

**(AMOL RATTAN SINGH)
JUDGE**