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

**CRM-M-44312-2019
Date of decision-28.07.2021**

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

Present: Mr. Sandeep Verma, Advocate
for the petitioner.

Mr. Sukhdeep Parmar, DAG, 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.363 dated 06.07.2018 under Sections 3, 4 & 5 of The Medical Termination of Pregnancy Act, 1971, under Sections 15 (2) and 15 (3) of Indian Medical Council Act, 1956 & under Sections 420 & 120-B of Indian Penal Code, 1860, registered at Police Station Sector-10, 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 18.10.2019, 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 for the petitioner contends
that the petitioner was indicted only on the ground*

that he telephonically guided the shadow witness where the alleged act of termination of pregnancy was to be performed. He submits that at the time of raid, the doctors and other staff of hospital were arrested who have been released on regular bail. He contends that in the given facts and circumstances, custodial interrogation of the petitioner may not be necessary.

Notice of motion for 27.02.2020.

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 contends 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 ASI Sanjay Kumar does not dispute this fact that the petitioner has joined the investigation and he is not required for custodial interrogation for the time being.

Considering the above, the petition is allowed and the interim bail granted by this Court vide order dated 18.10.2019 is made absolute.

(MANOJ BAJAJ)
JUDGE

28.07.2021

Vipin kumar

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No