

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

(I)

CRM-M-6514-2021 (O&M)

Date of Decision:- 11.3.2022

Beena Devi

... Petitioner

Versus

State of Haryana

... Respondent

(II)

CRM-M-2275-2022 (O&M)

Dr. Virender Kumar Singhal

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Abhimanyu Singh, Advocate,
for the petitioner in CRM-M-6514-2021.

Mr. Baltej Singh Sidhu, Senior Advocate with
Mr. Shokeen Singh Verma, Advocate,
for the petitioner in CRM-M-2275-2022.

Mr. Rajiv Sidhu, DAG, Haryana,
assisted by ASI Manish.

GURVINDER SINGH GILL, J. (Oral)

CRM-42382-2021 in CRM-M-6514-2021

In view of the reasons mentioned in the application, the same is allowed as prayed for and Annexure A-1 is taken on record subject to all exceptions.

Main Cases

1. This order shall dispose of the above mentioned two petitions wherein petitioners Beena Devi and Dr. Virender Kumar Singhal, seek grant of regular bail in a case registered vide FIR No. 662, dated 11.11.2020, Police Station Bhiwani City, District Bhiwani, under Sections 23, 29, 4, 5(1)(a), 6(a) of the Pre Natal Diagnostic Techniques (Regulations and Prevention of Misuse) Act, 1994 and Sections 120-B, 420 IPC.
2. The allegations, in nutshell, are that a secret information was received by the police on 10.11.2020 to the effect that Illegal Sex Determination of fetus was being conducted in a hospital situated in Ghaziabad, UP. Pursuant to receipt of said information, the police party planned a raid on 11.11.2020 and a pregnant woman namely Kavita was nominated as a *bogus* customer. Said Kavita contacted Smt. Beena who agreed to get the Sex Determination Test conducted for a consideration of Rs.50,000/-. Beena Devi took the decoy customer Kavita along with her to Ghaziabad, UP in a car which was being driven by Arvind. Petitioner-Dr. Virender Kumar is alleged to have conducted the Sex Determination Test and after the same was conducted, the decoy customer along with Beena travelled back to

Bhiwani in the same car driven by Arvind. The raiding party followed the said car and apprehended the accused when they entered Bhiwani.

3. Learned counsel representing the petitioners have submitted that a false case has been foisted against the accused and that in fact the jurisdiction lay at Ghaziabad where the offence was allegedly committed and that no FIR could have been lodged in Bhiwani. It has further been submitted that in any case the Court at Bhiwani would not have any jurisdiction to try the case, in view of a bar laid down in Section 28 of Pre Natal Diagnostic Techniques (Regulations and Prevention of Misuse) Act, 1994, which says that it is only upon a complaint being filed by Appropriate Authority that cognizance can be taken for such offences.
4. Opposing the petitions, learned State counsel submits that in view of the heinous nature of offences and the fact that it was in Bhiwani that the decoy customer had contacted Beena and it was in Bhiwani itself that the accused were arrested while they were on their way back from Ghaziabad, the FIR could very well have been lodged at Ghaziabad. Learned State counsel has further submitted that a Division Bench of this Court in Hardeep Singh and another Vs. State of Haryana and others 2014 (3) SCC 92 and another judgment passed by this Court in Dr. Aparna Singhal Vs. State of Haryana and another, CRM-M-421 of 2021, has held that FIR can very well be lodged in view of provisions of Section 27 of the Act. Learned State counsel has however, informed that both the accused have been

behind bars since the last about 1 year and 4 months and that none of the petitioner is involved in any other case.

5. I have considered the aforesaid submissions addressed before this Court.
6. It is no doubt correct that both the petitioners are specifically named in the FIR. However, this Court finds that the petitioners have been behind bars for a substantial period of 1 year and 4 months, in a case wherein a maximum sentence can be 3 years only. Conclusion of trial is likely to take time inasmuch as the trial has not even commenced and 15 PWs have been cited.
7. Keeping in view the aforesaid position in mind and while also bearing in mind that the petitioners are not involved in any other case earlier, further detention of the petitioners will not serve any useful purpose. The petitions, as such, are accepted and the petitioners are ordered to be released on bail subject to their furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. A photocopy of this order be placed on the file of each connected case.

11.3.2022

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No