

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

101

**CRM-M-6420-2022
Date of Order: 15.02.2022**

NIRMLA

..Petitioner

Versus

STATE OF HARYANA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kapil Kishore Sharma, Advocate
for Mr. Manoj Sharma, Advocate
for the petitioner.

Mr. Samarth Sagar, Addl. A.G., Haryana.

ANIL KSHETARPAL, J(Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

This is petitioner's second attempt seeking pre arrest bail in a criminal case arising from FIR No.0827, dated 14.12.2021, registered under Section 4, 5(2) of Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 & Section 120-B and 420 IPC, at Police Station 7, District Faridabad.

The first application was dismissed on 17.01.2022, with the following order:-

“The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts. The petitioner prays for pre-arrest bail in a criminal case arising from FIR No. 827, dated 14.12.2021, registered under Section 4(4)/5(2)/4(5) of the Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 and Section 120-B/420 IPC, at Police Station Sector 8, District Faridabad.

As per the case of the prosecution, the petitioner, along with her son and other co-accused, indulged in determining the sex of a fetus of a decoy customer. As per the provisions of the Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994, the Government has prohibited the sex determination test, so as to rule out the possibility of abortion in order to eliminate the female fetus. As per the allegations, the petitioner, along with

her son, charged Rs.45,000/- from a decoy customer and took her to an ultrasound clinic. After the test was conducted, on the information given by a decoy customer, the case was registered and certain accused persons were apprehended.

The learned counsel representing the petitioner contends that the petitioner did not enter the room where the ultrasound was being conducted and only an amount of Rs.200/- has been recovered from her. He further submits that another accused was not arrested, although, she was allegedly present there. He further submits that the concerned doctor has not been made an accused in the present case.

This Court has considered the submissions. The allegations against the petitioner are serious. The determination of sex of fetus is a social evil and the government has been making attempts to put an end to this illegal practice. However, certain unscrupulous persons are still continuing this misdeed in order to earn money. In the present case, the petitioner, along with her son, is stated to be the main accused. Hence, the custodial interrogation of the petitioner shall be necessary to unearth the entire racket.

Keeping in view the aforesaid facts, no ground to grant the prearrest bail to the petitioner, is made out.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of ”

The learned counsel representing the petitioner failed to make out a fresh ground for concession of bail.

Dismissed.

All the pending miscellaneous applications, if any, are also disposed of.

February 15th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No