

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Criminal Misc.-M No.8989 of 2022
Date of Decision: March 08, 2022

Sandeep

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr.J.P.Sharma, Advocate,
for the petitioner.

Mr.Bhupender Singh, DAG, Haryana.

MANOJ BAJAJ, J. (Oral)

Petitioner has filed this petition under Section 439 Cr.P.C. for grant of regular bail, pending trial in case FIR No.352 dated 19.12.2021, under Sections 3,4, 5, 6, 18, 23, 29 Pre-conception and Prenatal Diagnostic Technique (Prohibition of Sex Selection) Act, 1994, Sections 15(2), 15(3) Indian Medical Council Act, 1956 and Sections 420, 120-B IPC, registered at Police Station, Sadar Mahendergarh, District Mahendergarh.

The contents of the FIR, as noticed by the Additional Sessions Judge, Narnaul in his order dated 07.02.2022 while dismissing the bail application of the petitioner, read as under:-

“Prosecution case in nutshell is that an information was received that accused-applicant along with others is indulging in sex determination of fetus on the payment of Rs.55000/-. On this Smt.Sonu wife of Amit agreed to be a decoy patient. On 19.12.2021 at 8:00 a.m. Decoy patient was given Rs.55000/- out of which 27 notes were of Rs.2000/- each and 2 notes were

of Rs.500/- each whose numbers were already noted by the checking team. At about 10:30 p.m. A Honda CD motorcycle bearing no.HR34H-9713 stopped near decoy patient on which one man and one woman were sitting. The lady who was on the motorcycle took the decoy patient inside the car. When raiding party moved towards the vehicle, the motorcyclist taking advantage of crowd and traffic started running away. They were chased by the raiding party. Raiding party succeeded in apprehending them near Sadasukh Hospital Nangal Serohi. The lady was sitting on the motorcycle told her name as Asha and the male told his name as Sandeep. When search was carried out 22 notes of Rs.2000/- each were recovered from Sandeep. Five currency notes of Rs.2000/- each and 2 currency notes of Rs.500/- each were recovered from Parmod. The aforesaid notes were the same which were given by checking party to decoy patient. On search of Asha, a Fetal Doppler was recovered. When Sadasukh Hospital was searched, no machine was found though there was heavy quantity of allopathy and other medicines in the hospital.”

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case and the alleged accusation of sex-determination of fetus is attributed to the co-accused Parmod and Asha, who had brought the portable ultrasound machine to check the decoy patient, namely, Sonu. He submits that the petitioner is presently confined in judicial custody and considering the nature of offence and the fact that he is not involved in any other case, much less of similar nature, he be released on bail.

On the other hand, learned State counsel assisted by SI Rama Nand has opposed the prayer on the ground that the petitioner is involved in the crime and the alleged amount of Rs.55,000/- paid by the pregnant lady was recovered from the petitioner, therefore, he does not deserve the concession of regular bail.

After hearing the learned counsel for the parties and considering the above background, this court finds that as per prosecution, the petitioner facilitated the crime, who received the amount from the decoy customer and called the other accomplices for determination of the sex of the fetus. Of-course, the portable ultrasound machine was brought by the co-accused, but at this stage, it will not be safe to hold that the petitioner is not involved in the crime.

Resultantly, considering the nature of offence and the attribution to the petitioner, no case is made out for his release on regular bail at this stage.

Dismissed.

March 08, 2022
ramesh

(MANOJ BAJAJ)
JUDGE

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