

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(203)

CRM-M-27850-2022 (O&M)

Date of decision: - 03.08.2022

Prabha Pundir

....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE VIKAS BAHL

Present:- Mr. Ashish Grewal, Advocate,
for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

This is the first petition under Section 438 of Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.236 dated 29.05.2022, under Sections 2, 3, 3-A, 4, 5, 6, 23, 25, 27, 29 Rule 3(3), 4, 9, 10, 18(1), 2, 18(X-1) of the PC & PNDT Act; Sections 120-B and 420 IPC; and Section 23(3) PNDT Act, registered at Police Station Sadar Yamuna Nagar, District Yamuna Nagar.

On 30.06.2022, this Court was pleased to pass the following order:-

“Inter alia contends that the petitioner is not named in the FIR and no allegation has been made against the present petitioner. It is further submitted that a perusal of the FIR would show that after receiving the secret information, a team was constituted by the district appropriate authority, Kaithal and a decoy customer Sindri Devi, who was 4 months pregnant, was asked to contact the broker Krishan who

had demanded Rs.20,000/- for getting the sex determination test conducted and had then taken the said amount of Rs.20,000/- and thereafter had taken the decoy customer to the place where the test was to be conducted and same was conducted by Shah Aalam and Mohammad Parvej, who were apprehended at the spot and from whom the recovery of ultra sound machine, i Pad etc. was effected. It is the case of the petitioner that neither any money was paid to the petitioner by the decoy Sindri Devi nor the petitioner had conducted the test and she was not even apprehended at the spot, where the test was being conducted and that the petitioner is not involved in any other case.

Notice of motion.

On advance notice, Mr.Tanuj Sharma, AAG, Haryana, appears and accepts notice on behalf of the respondent-State.

Adjourned to 03.08.2022.

In the meantime, in the event of arrest, the petitioner is ordered to be released on interim bail subject to her furnishing personal bonds and surety to the satisfaction of Arresting / Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.

(VIKAS BAHL)
JUDGE

30.06.2022"

Learned counsel for the petitioner has submitted that in pursuance of the above-said order, the petitioner has joined the investigation.

Learned State counsel, on instructions from SI Om Parkash, has submitted that the petitioner has joined the investigation on 20.07.2022 and is not required for further investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated

30.06.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 30.06.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

Pending miscellaneous application, if any, stands disposed of in view of the abovesaid order.

August 03, 2022
naresh.k

(VIKAS BAHL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No