

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

**CRM-M No.31026 of 2022
Date of Decision: 12.10.2022**

Swaran Kumar

.....Petitioner.

Versus

State of Haryana

.....Respondent.

CORAM: HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA

Present:- Mr. Sukesh K. Jindal, Advocate for the petitioner.

Ms. Ambika Sood, Addl. A.G, Haryana
for the respondent-State.

MEENAKSHI I. MEHTA, J.(Oral)

The petitioner herein seeks the relief of regular bail in the criminal case arisen out of the FIR bearing No.0104 dated 10.05.2022 registered at Police Station Jhansa, District Kurukshetra, under Sections 2, 3, 3-A, 4, 5, 6, 23 and 29 of the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 and the Rules 3(3), 4, 9, 10, 18 (1 to 20) of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Rules, 1996 as well as Sections 420 and 120-B IPC.

2. Bereft of unnecessary details, the allegations, as levelled against the petitioner in the present case, are that he had conducted the pre-natal sex determination test on the decoy named Saroj Bala, who had been brought to him by his co-accused named Deepa @ Deepika.

3. Learned State counsel has submitted the custody-certificate of the petitioner in the Court today and the same is taken on the record.

4. I have heard learned counsel for the petitioner as well as learned State counsel in the instant petition and have also perused the file carefully.

5. Learned counsel for the petitioner contends that the petitioner is behind the bars since the date of his arrest, i.e 12.05.2022 and the Challan has already been presented before the competent Court and the petitioner is also not involved in any other criminal case of the similar nature and the offences involved in the present case are triable by the Court of the Magistrate and in these circumstances, the petitioner deserves the relief as prayed for in this petition.

6. Learned State counsel does not dispute the afore-referred factual position but she opposes the prayer of the petitioner for grant of regular bail.

7. However, keeping in view the above-discussed facts and circumstances as well as the fact that the trial of the case is likely to take sufficient time to conclude and without commenting or expressing any opinion on the merits of the case, the petitioner named Swaran Kumar is ordered to be released on regular bail subject to his furnishing the requisite personal and surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

8. The instant petition stands allowed accordingly.

October 12, 2022

Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

Whether speaking/reasoned:

Yes

Whether Reportable:

No