

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

CRM-M-30893-2022 (O&M)
Date of Decision:- 30.11.2022

Sunita

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Raman Chawla, Advocate, for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in respect of a case registered against her vide FIR No. 474, dated 14.7.2021, Police Station Barwala, District Hisar, under Sections 3, 3(1), 3-A, 4, 4(1), 4(4), 5, 5(2), 6-B, 23, 41, 44, 45, 52 of Pfre-Natal Diagnostic Techniques (Regulation and Prevention of misuse Act) PC & PNDT Act), 1914 and Section 120-B/34 IPC.
2. The allegations, in nutshell, are that pursuant to an information received by the Nodal Officer, PNDT, Civil Hospital, Hisar, as regards illegal Sex Determination Tests being conducted, a three member committee was constituted comprising of Dr. Hanuman Singh, Deputy Civil Surgeon, Fatehabad, Dr. Girish Kumar, Additional Senior Medical Officer, General Hospital, Fatehabad and

Dr. Kamal Beniwal, Medical Officer, General Hospital, Fatehabad and a decoy pregnant woman was asked to contact the co-accused for the purpose of getting a Sex Determination Test conducted through Dr. Anant Ram. Accordingly, the decoy pregnant woman contacted the co-accused and a test was conducted by Dr. Anant Ram. The role attributed to the petitioner is that the said test was conducted in her house.

3. Learned counsel for the petitioner submits that even if all the allegations as levelled in the complaint are taken to be correct, the petitioner can hardly be said to be having any role in the alleged sex determination test inasmuch as neither she has accepted any amount nor is she directly involved in conducting of such tests and that the mere fact that the said tests were conducted in her premises is not sufficient to establish her complicity.
4. Opposing the petition, learned State counsel submits that the petitioner was hands in gloves with the co-accused and that it is not the case of the accused that the premises had been let out to co-accused Dr. Anant Ram, who had conducted the said test. Learned State counsel has however, informed that the petitioner as on date has been behind bars since the last more than 6 months and stands involved in one more case under the Prevention of Immoral Activities Act. It has also been submitted that from the CCTV footage collected from the spot, the presence of the petitioner at the spot is duly established.
5. This Court has considered the rival submissions.

6. Since the premises of the petitioner had been used for conducting the test, the involvement of the petitioner would be evident particularly when there is no other evidence to show that the said premises had been let out to the co-accused. In any case this Court cannot lose sight of the fact that the petitioner has been behind bars for a substantial period of more than 6 months. The trial is yet to commence inasmuch even the charges have not been framed and 26 PWs have been cited. In these circumstances further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to her furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

30.11.2022

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**(GURVINDER SINGH GILL)
JUDGE**

Whether speaking /reasoned Yes / No

Whether Reportable Yes / No