

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.203

CRM-M-29472-2020

Date of decision: 10.02.2022

Sanjay and another

....Petitioners

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK SIBAL

Present: Mr. Partap Singh, Advocate
for the petitioners.

Mr. Sumit Jain, Addl. A.G., Haryana.

* * *

DEEPAK SIBAL, J. (Oral)

The matter has been taken up through video conferencing.

The present petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in FIR No.560 dated 10.09.2020 registered under Sections 6(B), 6(C), 3(3), 4(1)(4), 6C, 3, 3-A, 4(1)(2)(4), 5(2), 6 (A,B,C) The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 at Police Station Assandh, District Karnal.

On September 24, 2020, this Court had passed the following order:-

“Petitioners-Sanjay and Amardeep, stated to be aged 24 & 30 years respectively, have jointly filed the present petition inter alia with a prayer for grant of anticipatory bail in case FIR No.560 dated 10.09.2020, registered under Sections 6(B), 6(C), 3(3), 4(1) (4), 6C, 3, 3-A, 4 (1) (2) (4), 5(2), 6(A,B,C) of The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act 1994, at Police Station Assandh, District Karnal (Haryana). agreement but it is Balwinder Singh Lalka who has defaulted.

Learned counsel for the petitioners submits that the accused persons already stand arrested in the present FIR. He further submits that in fact, even on merits, the petitioner has a good prima facie case as in view of Section 28 of PNDT Act, the course provided, is to file a complaint. Counsel then submits that the petitioners are not earlier involved in any other

case of similar nature.

Notice of motion.

On asking of the Court, Mr. Rajiv Goel, DAG, Haryana, accepts notice on behalf of the respondent-State.

On instructions from police official, learned State counsel does not dispute the factual position but opposes the bail

Counsel for the petitioners submits that the petitioners are ready to join the investigation. He submits that because of COVID situation also, retention of the petitioners in jail would be dangerous to their lives

Adjourned to 03.11.2020.

Without commenting upon merits of the case and in view of the peculiar facts and circumstances of the present case and also keeping in view the present COVID situation, this Court deems it appropriate to direct the petitioners to appear before the Investigating Officer to join investigation.

In the event of arrest, the petitioners shall be released on interim bail, subject to their furnishing bail/surety bonds to the satisfaction of the Arresting/Investigating Officer. The petitioners shall join investigation as and when called upon to do so and they shall remain bound by the conditions envisaged under Section 438 (2) Cr.P.C. ”

Learned State counsel submits that under the afore-quoted order passed by this Court, the petitioners have repeatedly joined the investigation; co-operated with the investigating agency and that their custodial interrogation is not required by the State.

After considering the submissions made on behalf of the petitioners in the afore-quoted order and the statement made on behalf of the State, the interim order of this Court dated 24.09.2020, granting ad interim anticipatory bail to the petitioners is made absolute.

February 10, 2022

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(DEEPAK SIBAL)

JUDGE

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No