

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

**CRM-M No.32049 of 2022
Date of Decision: 27.10.2022**

Ravi Kumar

.....Petitioner

Versus

State of Haryana

.....Respondent

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

Present:- Mr. Sahil Khunger, Advocate
for the petitioner.

Mr. Apoorv Garg, DAG, Haryana.

MEENAKSHI I. MEHTA, J.(Oral)

Apprehending his arrest in the criminal case arisen out of the FIR bearing No.102 dated 23.02.2022 registered at Police Station Rewari, District Rewari, under Sections 4 (4), 6 (c), 23 of the PC-PNDT Act, 1994 and Sections 406, 420, 120-B read with Section 34 IPC, the petitioner has moved this petition for seeking the relief of pre-arrest/anticipatory bail.

2. Bereft of unnecessary details, the allegations levelled against the petitioner in the present case, are that he and his co-accused, had struck a deal with the decoy (a pregnant lady) for a sum of Rs.70,000/- for getting the pre-natal sex determination test of her fetus, conducted and out of this amount, Rs.50,000/- had been paid, in advance, to the co-accused of the petitioner named Bijender, who had, then, given Rs.49,000/- to the present petitioner

and he (petitioner) had further paid a sum of Rs.24,000/- to his co-accused named Shakeel and he paid Rs.16,000/- out of the same to his co-accused Vikram while retaining the balance sum of Rs.8000/- with him.

3. Status-report has already been filed on behalf of the respondent-State by way of the affidavit of the Deputy Superintendent of Police, Rewari.

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

5. Learned counsel for the petitioner contends that the name of the petitioner does not find mention as an accused in the FIR and rather, he has been roped in as such in this case subsequently merely on the basis of the disclosure statements as allegedly suffered by his co-accused and moreover, he did not conduct the afore-mentioned test on the decoy lady and in these circumstances, he deserves the relief as prayed for in the instant petition.

6. Per contra, learned State counsel argues that during the investigation in the case, the name of the petitioner had cropped up as the main conspirator of the crime and moreover, the Call Detail Record (CDR) qua the mobile phone numbers of the petitioner and his co-accused Bijender, has also been procured by the investigating agency and as per the instructions received from SI Pritam Singh from the above-mentioned police station, the said Record reveals that on 23.02.2022, i.e the date of the occurrence, both of them had conversed with each other seven times and moreover, the custodial interrogation of the petitioner is required so as to elicit better information regarding the *modus-operandi* adopted by him for committing the crime as well as qua the involvement of the other persons in the same and it being so, the present petition be dismissed.

7. Mere fact that the petitioner has not been arraigned in the FIR does not, in itself, suffice at all to extend the relief of pre-arrest bail to him because in the disclosure statements as allegedly suffered by his co-accused, his name has surfaced as an active participant in the crime. Even otherwise, he has not been involved in the present case solely on the basis of the said disclosure statements because as apprised by learned State counsel, the afore-said CDR shows that he (petitioner) and his above-named co-accused were in constant touch with each other on the date of the alleged commission of the crime. Further, even if the petitioner had not conducted the afore-said test on the decoy but this Court cannot lose sight of the fact that he is alleged to have facilitated the conducting of this test.

8. Keeping in view the above-discussed facts and circumstances as well as the nature of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of pre-arrest/anticipatory bail. Resultantly, the petition in hand stands dismissed accordingly.

10. However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

October 27, 2022
pooja

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>