

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

(1) **CRM-M-37467-2022 (O&M)**

Dr. Urmil Dhattarwal ...Petitioner

Versus

State of Haryana ...Respondent

(2) **CRM-M-41651-2022 (O&M)**

Poonam ...Petitioner

Versus

State of Haryana ...Respondent

Date of Decision:- 21.11.2022

**CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**

Present: Mr. Sartej Singh Narula, Advocate for the petitioner  
in CRM-M-37467-2022.

Mr. Rakesh Nehra, Senior Advocate with  
Mr. Reetesh Kumar, Advocate for the petitioner  
in CRM-M-41651-2022. .

Mr. Rajiv Sidhu, DAG, Haryana  
assisted by SI Rajbir Singh.

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**GURVINDER SINGH GILL, J.**

1. This order shall dispose off the above mentioned two petitions filed on behalf of Dr. Urmil Dhattarwal and Poonam pertaining to a matter arising out of FIR No. 566 dated 28.7.2022 under Sections 29, 4, 4(4), 5, 5(2), 6(a), 6(b) of the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, Sections 420, 34, 120-B IPC at Police Station City

Hansi, District Hisar. While the petitioner Dr. Urmil Dhattarwal seeks grant of anticipatory bail, the petitioner Poonam seeks grant of regular bail.

2. The FIR was registered at the instance of Dr. Prabhu Dayal, Nodal Officer, PNDDT, Hisar wherein it is alleged that pursuant to receipt of secret information regarding illegal sex determination tests being conducted at Dhattarwal Hospital, Hansi, the District Appropriate Authority, Hisar, PNDDT constituted a team comprising of Dr. Prabhu Dayal, Nodal Officer, PNDDT, Hisar, Dr. Kamid Monga, ASMO, CS, Hansi and Mr. Ankit Sharma, Assistant CHC Uklana. On 21.7.2022, further information was received to the effect that Ms. Geeta @ Koki who is employed as a Nurse in Jindal Hospital, Dhattarwal, gets illegal sex determination test conducted from Dhattarwal Hospital through Poonam. Geeta was contacted and a deal was settled with her to get sex determination test conducted for an amount of ₹40,000/- and Geeta asked the decoy pregnant woman to reach at Dhattarwal Hospital, Hansi on 23.7.2022 between 9 AM to 10 AM. On 23.7.2022, the decoy pregnant woman Suman accompanied by one Asha Worker and Smt. Poonam (another lady, not accused) went to Dhattarwal Hospital and they took an amount of ₹50,000/- with them. The mediator Geeta who had contacted Poonam informed that on the said day, the test would be conducted without taking any money and without obtaining any signatures and only OPD slip will be prepared. When the decoy pregnant woman alongwith Asha Worker reached the hospital, the accused Poonam was not present there. When the pregnant woman and the care taker contacted the team, the mediator Geeta was contacted and the decoy pregnant lady was asked to get OPD slip prepared from the reception of the hospital and tell the

lady named Jasbir that they have been referred by Poonam. Accordingly, the decoy pregnant woman got OPD slip prepared. After some time, Jasbir took her to ultrasound room of lady Doctor and told her to lie on bed and ultrasound examination was conducted. After Jasbir came out, the decoy pregnant woman was handed over a slip and told to purchase medicines. When the decoy pregnant woman asked for the report, she was told that since neither any fee had been charged nor her ID proof had been taken, the report will not be given to her and that she will get to know about the result from the person who had referred her to the hospital. The pregnant woman accordingly purchased the medicines prescribed on the slip. The Asha Worker, had been told to click photographs or make a video of the spot where ultrasound had been conducted. Accordingly, the said Asha Worker got a slip made for herself and started waiting for her turn but she was not taken to Dr. Urmil Dhattarwal and some tests were prescribed. Accordingly, the decoy pregnant woman as well as Asha Worker informed the Nodal Officer and they were taken back to the office of Civil Surgeon where their statements were recorded. Thereafter, they waited for telephone call from mediator Geeta so that the report of sex determination test could be known and demand of ₹40,000/- would be made in order to catch her red-handed.

3. On 26.7.2022, when the mediator Geeta was asked to provide the report, she called the decoy pregnant woman to Jindal Hospital, Hisar on 27.7.2022 at 5 p.m. At 5 p.m., when an amount of ₹40,000/- was paid to the mediator Geeta @ Koki in the park near the main gate of Jindal Hospital, Hisar, she was apprehended there and then. Geeta confessed that she had received an amount of ₹40,000/- for getting the sex determination test conducted and

that upon seeing the health of the pregnant woman, she had returned an amount of ₹2,000/- back to her. Geeta further disclosed that the amount of ₹38,000/- was to be given to her friend Poonam in lieu of the sex determination test as the same had been conducted through Dr. Urmil Dhattarwal. The team asked Geeta to lead them to the house of Poonam and accordingly, they took along Poonam and proceeded to the Dhattarwal Hospital where Dr. Urmil Dhattarwal was associated. The decoy pregnant woman identified Dr. Urmil Dhattarwal and Jasbir . The care taker lady who had accompanied the decoy pregnant woman identified Jasbir but did not identify Dr. Urmil Dhattarwal as she had not gone inside the ultrasound room. Geeta disclosed in the presence of everyone that she had got the sex determination test conducted through Poonam and for which Poonam had raised a demand of ₹40,000/- and that Poonam had got the ultrasound test conducted from Dr. Urmil Dhattarwal who had disclosed the gender of the child in Suman's womb to be male in the presence of the IMA members who had been called at the instance of Dr. Urmil Dhattarwal. The team recovered 76 currency notes of denomination of ₹500/- each from the front pocket of Geeta's handbag and the serial number of the currency notes were compared with the ones which had been noted earlier and were found to be same. Other requisite formalities were also conducted at the spot.

4. The learned counsel representing the petitioner - Poonam has submitted that although she is named in the FIR but she was neither present in Dhattarwal Hospital when ultrasound test was conducted nor had accompanied the decoy pregnant woman to the hospital and in these circumstances, she cannot be said to have played any substantial role in the alleged ultrasound

examination. The learned counsel has further submitted that she is being roped in on the basis of a disclosure statement made by Geeta from whom the tainted currency notes were recovered and that such like disclosure statement would hardly carry any evidentiary value.

5. The learned counsel representing the petitioner Dr. Urmil Dhattarwal has submitted that although she is named in the FIR, but she was never ever apprehended at the spot and nor is there any other evidence in the shape of any photographs etc. to establish the allegations against her and that she is being nominated as an accused only on the basis of disclosure statements made by co-accused Geeta and Poonam, which do not have any evidentiary value. It has further been submitted that the statement of the complainant cannot be taken to be gospel truth in the absence of any other reliable evidence. The learned counsel has submitted that further it is a case where the petitioner allegedly had conducted the test on 23.7.2022 whereas the tainted currency notes are alleged to be passed on much later i.e. on 27.7.2022, which too were passed on to someone else other than the petitioner and in these circumstances, the petitioner cannot be said to have conducted any illegal sex determination test.
6. Opposing the petitions, the learned State counsel has submitted that since the petitioner Poonam is specifically named in the FIR and Geeta from whom the tainted currency notes were recovered has specifically named her as mediator, the petitioner cannot claim to be innocent. The learned State counsel has, however, informed that the petitioner Poonam, as on date, has been behind bars since the last more than 3 months and subsequently stands involved in one more case i.e. FIR No. 833 dated 4.11.2022. The learned

State counsel has further submitted that the petitioner Dr. Urmil Dhattarwal, who is the main accused who had conducted the illegal sex determination test and since the petitioner has been specifically identified by the decoy pregnant woman and since even the co-accused had suffered disclosure statement against her, she does not deserve any concession of anticipatory bail.

7. Upon considering the aforesaid submissions addressed before this Court, this Court does find that the petitioner-Poonam has played role of a mediator for getting illegal sex determination test conducted. However, having regard to the fact that the tainted currency notes were recovered from co-accused Geeta, who had made a disclosure statement nailing the petitioner-Poonam, and the fact that the petitioner-Poonam otherwise has been behind bars for about 3 months, further detention of the petitioner will not serve any useful purpose. The petition for grant of regular bail qua Poonam, as such, merits acceptance and the petitioner - Poonam is ordered to be released on regular bail on her furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
8. As far as the case of petitioner Dr. Urmil Dhattarwal for grant of anticipatory bail is concerned, she is the main accused who has conducted the illegal sex determination test. Apart from the secret information against her, the co-accused Geeta who was found in possession of the tainted currency notes has specifically made a disclosure statement nominating her as principal accused. Even the decoy pregnant woman has identified the petitioner to be the one who had conducted the sex determination test. There is nothing on record to show that the sex determination test had been conducted after

making proper entries in the record, which would clearly show that the same has been conducted illegally. In these circumstances, no special case for grant of anticipatory bail is made out.

9. As an upshot of the discussion made above, while the petition i.e. CRM-M-41651-2022 on behalf of Poonam seeking grant of regular bail is accepted, the petition i.e. CRM-M-37467-2022 on behalf of Dr. Urmil Dhatarwal seeking grant of anticipatory bail is dismissed.
10. A photocopy of this order be placed on the file of connected case.

**21.11.2022**

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**(Gurvinder Singh Gill)**  
**Judge**

Whether speaking /reasoned  
Whether Reportable

Yes / No  
Yes / No