

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

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CRM-M-38127-2022

Date of decision: 14.12.2022

RAKESH KUMAR @ KG

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM : HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Amit Khari, Advocate
for the petitioner.

Mr. Gagandeep Singh Chhina, AAG, Haryana.

HARNARESH SINGH GILL , J.(ORAL)

Through this petition, the petitioner seeks regular bail in case bearing FIR No.294 dated 11.05.2022, registered at Police Station Ambala Cantt, District Ambala under Section 4 of the PNDT Act and Sections 420 and 120-B of the IPC.

Learned counsel for the petitioner contends the petitioner has been falsely implicated in the present case and indicted in the present case as he was present on the spot along with the co-accused. He submits that recovery of Rs.1,000/- has already been effected from the petitioner, who has been in custody since 12.05.2022. He further submits that the main accused Jagga Singh has been granted bail under Section 167(2) Cr.P.C.

On the other hand, learned State counsel while opposing the submissions made by learned counsel for the petitioner submits that as per the complaint by Dr. Balwinder Kaur, Deputy Civil Surgeon, PNDT, Ambala, the petitioner was specifically named in the FIR as he was apprehended on the

spot. He further submits that the petitioner is involved in the serious act against the society by facilitating sex determination of the pregnant lady Poonam, who was sent as a decoy customer. He further contends that out of Rs.50,000/-, an amount of Rs. 1,000/- has been recovered from the petitioner. It is submitted that charges have been framed but prosecution witnesses are yet to be examined.

I have heard the learned counsel for the parties.

In the present case, though the petitioner has been named in the FIR and was arrested on the spot but the fact remains that the challan has been presented and petitioner has been in custody since 12.05.2022; co-accused has already been granted bail under Section 167(2) Cr.P.C.; recovery has already been effected; charges have been framed and prosecution witnesses are yet to be examined. In such circumstances, the trial is unlikely to conclude any time soon. Therefore, no useful purpose would be served by keeping the petitioner behind the bars.

In view of the above, without commenting anything on the merits, lest it should prejudice the case of either side, the present petition is allowed and the petitioner is ordered to be released on bail on his furnishing bail and surety bonds to the satisfaction of the learned trial Court/Duty Magistrate.

14.12.2022
P.Bhatt

(HARNARESH SINGH GILL)
JUDGE

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No