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

CRM-M-48501-2022
Date of decision : 07.12.2022

Lakki

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Sushil Jain, Advocate for the petitioner.

Mr. Praveen Bhadu, AAG, Haryana.

VIKAS BAHL, J. (ORAL)

Prayer in the present petition is for grant of anticipatory bail to the petitioner in FIR No.349 dated 16.09.2022 registered under Sections 3, 4, 5 of the Medical Termination of Pregnancy Act, 1971, Sections 23, 3B, 4, 5(1)(a), 5 (1)(b), 6(a), (b), (c) of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, Section 15(2)(B) of the Indian Medical Council Act, 1956 and Section 120-B of the Indian Penal Code, 1860 at Police Station Barauda, District Sonipat.

On 28.10.2022, this Court had passed the following order:-

“Inter alia, contends that the petitioner is not named in the FIR at the time when the raid was conducted and the petitioner was not apprehended, but it was one Sandeep, who was apprehended and stated to be carrying out the test and from whom Rs.40,000/- has been recovered. It is further contended that the petitioner is not involved in any other case and is ready to cooperate with the investigation.

Notice of motion for 22.11.2022.

In the meantime, in the event of arrest, the petitioner shall be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of

Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438(2) Cr.P.C.”

Thereafter, on 22.11.2022, the following order was passed:-

“Learned State counsel, on instructions from the investigating officer, has submitted that although, the petitioner has joined the investigation, but he is required for further investigation.

Adjourned to 07.12.2022.

The petitioner is again directed to join the investigation on 30.11.2022 at 11:00 AM.

Interim order to continue.”

Learned counsel for the petitioner has submitted that in pursuance of the abovesaid orders, the petitioner has joined the investigation.

Learned counsel for the State has submitted that the petitioner has joined the investigation.

Keeping in view the abovesaid facts and circumstances moreso, the facts which have been noticed in abovesaid order dated 28.10.2022 and also the fact that the petitioner has joined the investigation and is not required for further custodial interrogation, the present petition is allowed and the interim order dated 28.10.2022 is ordered to be made absolute.

However, nothing stated above shall be construed as an expression of opinion on the merits of the case and the trial would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail application.

07.12.2022

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No