

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-54623-2021
Date of Decision: 23.02.2022

Pardeep Kumar

....Petitioner(s)

Versus

State of Haryana

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI

Present: Mr. Ran Vijay Singh, Advocate, for the petitioner.

Mr. Ranvir Singh Arya, Addl. Advocate General, Haryana.

JASGURPREET SINGH PURI, J. (Oral)

The present petition has been filed under Section 439 of the Code of Criminal Procedure for the grant of regular bail to the petitioner in FIR No.99 dated 14.06.2021, under Sections 406, 416, 420, 120-B and 34 IPC, Section 5, 6 alongwith Rule 3, 3(A), 3(B), 4 of Pre-Conception and Pre – Natal Diagnostic Techniques Act, 1994 (challaned under Sections 120-B, 420, 34, 406, 416 and 419 IPC and Sections 5, 6 and 23 alongwith Rule 3, 3(A), 3 (B), 4 PC & PNDT Act), registered at Police Station Machhroli, District Jhajjar (Haryana)

The learned counsel for the petitioner has submitted that the petitioner is in custody from 14.06.2021 and the investigation of the case has already been completed and thereafter, the challan has been presented before the competent Court under Section 173 Cr.P.C and now the matter

is fixed for consideration for framing of charge. He further submitted that the petitioner is facing incarceration for about 8 months and the maximum sentence provided under Section 23 read with Section 5 and 6 of the PNDT Act is 3 years since the petitioner is a first offender. He further submitted that the petitioner is not involved in any other case and he has clean antecedents. He further submitted that although a decoy witness was sent but the currency notes did not match with the recovery and has also submitted that the other co-accused namely Jaideep @ Shekhar has been granted bail by this Court. He further submitted that so far as the provisions of Section 420 IPC is concerned, the ingredients of the same are not fulfilled in the present case.

On the other hand, Mr. Ranvir Singh Arya, learned Additional Advocate General, Haryana has submitted that it is case where a team was constituted who conducted a raid and thereafter, the petitioner was caught alongwith a makeshift ultrasound machine. He further submitted that it is correct that the petitioner is in custody from 14.06.2021 and he is not involved in any other case.

I have heard the learned counsel for the parties.

The petitioner is in custody from 14.06.2021 and investigation of the case has already been completed and now the matter is fixed for consideration for framing of charge before the learned trial Court. The petitioner is not involved in any other case and as per the learned counsel for the parties, the maximum sentence under Section 23 read with Section 5 and 6 of the PNDT Act is 3 years. The other co-accused namely Jaideep @ Shekhar has been granted bail by this Court, although he is not at parity

with the petitioner but considering the custody of the petitioner, the

petitioner is entitled for the grant of bail.

Therefore, without commenting on the merit of the case and considering the totality of circumstance, the present petition is allowed. The petitioner shall be released on regular bail subject to furnishing bail bonds/surety to the satisfaction of the learned trial Court/Duty Magistrate concerned.

However, anything observed hereinabove shall not be treated as an expression of opinion on merits of the case and is meant for the purpose of deciding the present petition only.

23.02.2022

rakesh

(JASGURPREET SINGH PURI)
JUDGE

Whether speaking	:	Yes/No
Whether reportable	:	Yes/No