

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

CRM-M-54597-2021 (O&M)

Date of Decision: 05.05.2022

Suresh Bala

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Randeep Singh, Advocate, for the petitioner.

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

GURVINDER SINGH GILL, J.

1. The petitioner has approached this Court seeking grant of regular bail in respect of a case registered against her vide FIR No.473 dated 25.11.2021 at Police Station City Jagadhri, under Sections 420, 120-B IPC and Sections 3A, 4, 6, 23, 25, 29 & Rule 9 of Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994.
2. The FIR in question was lodged at the instance of Dr. Puneet Kalra, Nodal Officer, PNDDT, Office of Civil Surgeon, Yamuna Nagar, wherein it is alleged that since a gang had been operating in Kaithal and even outside Kaithal for conducting illegal sex determination test on pregnant women, a team under PCPNDDT Act, 1994 was constituted comprising of Dr. Gourav Punia, Nodal Officer, PNDDT, Kaithal and Sh. Raj Kumar, BEE of Civil Surgeon, Kaithal. One lady, namely Smt. Pooja wife of Parveen carrying pregnancy of 4 months & 15 days was associated as a decoy client. Sh. Satbir Singh son of Beer Singh was also associated in

the team. Both of them gave their written consent in this regard in public interest. On 24.11.2021, a secret informer contacted Sh. Ram son of Sh. Lal Chand, resident of Mandebri, Jagadhri for the purpose of getting sex determination test conducted, who demanded an amount of Rs.40,000/- for the same and asked them to come near Jagadhri Bus Stand at 10.00 am. Kaithal team, constituted under PCPNDT Act, 1994, reached Jagadhri at 9.30 am. Decoy client Smt. Pooja and Sh. Satbir reached at Bus Stand chowk at about 10.00 am, where they met one Karnail Singh. Kaithal team was standing at a little distance. After a short while, Sh. Ram came there and asked the decoy client Smt. Pooja and Sh. Satbir to wait till 11 o'clock. Around 11 o'clock, they were told that Smt. Suresh Devi has come and asked the decoy client and Sh. Satbir to also come and meet her. All four of them, went to meet Smt. Suresh Devi, who was standing at a short distance. Thereafter, Karnail Singh, Smt. Suresh and Smt. Pooja left for Ishan Hospital on a Platina black coloured motorcycle bearing registration No.HR-02-AQ-7500. Kaithal team, constituted under PCPNDT Act, 1994, gave information to Yamuna Nagar team telephonically. At about 11.30 am, Smt. Pooja, Suresh and Karnail Singh reached Ishan Hospital, where the name of Pooja was entered in OPD and Form-F was filled alongwith which Aadhar card of Pooja was also annexed. Ultrasound was conducted, but no report was handed over to Pooja. Smt. Suresh and Karnail Singh thereafter left Smt. Pooja (decoy client) at Bus Stand at about 12.15 pm and it was thereafter that Smt. Suresh informed Smt. Pooja that she was carrying a female fetus. Thereafter, Smt. Pooja returned back. Around the same time, a team constituted by District Appropriate Authority, Yamuna Nagar also

reached at the spot and both the teams i.e. Kaithal team and Yamuna Nagar team, jointly apprehended Sh. Ram at the spot. After some time, Karnail Singh was also apprehended. Thereafter, they proceeded towards Ishan Hospital, Jagadhri alongwith said persons. As per the plan made by Yamuna Nagar team, an amount of Rs.40,000/- had been transferred in the account of secret informer, who further passed on the same to Sh. Ram through NEFT on 18.11.2021. It is alleged that Karnail Singh is employed as PRO in Ishan Hospital. Smt. Suresh is also working as PRO on incentive basis.

3. It is further the case of the prosecution that upon checking CCTV footage, it was found that another pregnant lady Smt. Taranjeet Kaur wife of Sh. Amit had entered in the Ultrasound room at about 13.09 o'clock and remained there for about 3 ½ minutes and then came out, but there was no entry in respect of her in the record maintained by the Hospital. The police sealed the ultrasound equipments lying in the hospital. During the course of investigation and upon examining the CCTV footage, the presence of the petitioner at the place of occurrence was also confirmed and it was found that she was working as PRO in the said Hospital and was hand in glove with the co-accused for the commission of offence in question.
4. Learned counsel for the petitioner has submitted that she has falsely been implicated in the present case and has nothing to do with the alleged illegal sex determination test and that in case, if any such test was conducted, it is the Doctor concerned, who would be responsible for the same, as the petitioner is neither a Doctor nor a Nurse so as to be attributed any *mens rea* or involvement in the alleged commission of

offence. It has been submitted that even if the case of the prosecution regarding the petitioner being a Public Relation Officer employed in Ishan Hospital is accepted, still the same *ipso facto* would not establish the complicity of the petitioner. Learned counsel has further submitted that the petitioner is a lady, aged about 59 years and has been in custody since the last more than 5 months and has a clean record and as such, deserves the concession of bail.

5. Opposing the petition, learned State counsel has submitted that the petitioner is specifically named in the FIR and has played an active role in taking the decoy client Smt. Pooja to Ishan Hospital where the illegal sex determination test was conducted on the decoy client and that in these circumstances, the petitioner cannot feign ignorance about the illegal activities being undertaken in the Hospital concerned and in fact she was part & parcel of the entire racket. It has further been submitted that an amount of Rs.34,000/-, which was recovered from her, would also substantiate her involvement apart from the fact that her presence in the Hospital is also confirmed in the CCTV footage. Learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last more than 5 months and that she is not involved in any other case and that challan already stands presented.
6. I have considered rival submissions addressed before this Court.
7. Without commenting anything as regards the merits of the case, but while noticing that the petitioner is a lady aged about 59 years and has been behind bars for a substantial period of more than 5 months and is not stated to be involved in any other case, the petition is accepted and the petitioner 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.

05.05.2022

Vimal

(GURVINDER SINGH GILL)
JUDGE

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