

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-3357-2023 (O&M)
Date of Decision: 27.01.2023

Kaushal alias Amit

... *Petitioner*

V/s.

State of Haryana

... *Respondent*

CORAM: HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present : Ms. Monisha Lamba, Advocate
for the petitioner.

Mr. Karan Garg, AAG, Haryana.

DEEPAK MANCHANDA, J.(Oral)

Petitioner has prayed for grant of regular bail under Section 439 Cr.P.C. in case FIR No. 248 dated 13.04.2021, under Sections 18, 23, 3(i), 4, 5(2), 6(b) of the Pre-Natal Diagnostic Techniques(Regulations and Prevention of Misuse) Act, 1994 and Sections 120-B, 420 IPC and Sections 18 (C), 18 (A) of Drugs and Cosmetics Act and Section 15 (2) (B) of India Medical Council Act registered at Police Station Ballabgarh City, District Faridabad.

Learned counsel for the petitioner contends that the petitioner is in custody since 16.11.2022. It is stated that the role attributed to the petitioner herein is that he conducted the sex-determination test without

having any permission to conduct such test on the date of occurrence. He submits that the petitioner has been falsely implicated in the present case as he has been nominated as an accused on the basis of disclosure statement of the co-accused and he was not apprehended from the spot and no recovery has been made from the petitioner herein. He further submits that the ultrasound centre of the petitioner was running with the proper permission of UP Government and the decoy of Health Department neither named the petitioner nor any ultrasound work was done against PNDT Act. Learned counsel also submits that one of the co-accused has been granted bail by the trial Court and the other has been granted regular bail by the Co-ordinate Bench of this Court vide order dated 13.10.2021 in CRM-M-21082-2021 and that the conclusion of trial will take sufficient time, therefore, the petitioner be enlarged on bail.

Per contra, learned counsel appearing on behalf of respondent-State, on instructions from the Investigating Officer, opposes the grant of regular bail to the petitioner, while submitting that the offence alleged against the petitioner is serious in nature. However, does not dispute the fact that the investigation is complete though the challan is yet to be presented and that other co-accused have been granted bail.

I have heard learned counsel for the parties.

Petitioner is in incarceration since 16.11.2022.

It is not a case made out by the respondent-State that in case concession of bail is granted to the petitioner, he would hamper the course of free and fair trial. Further, since the investigation is complete and the co-accused have been granted bail and there is no other case against the

petitioner and the trial would take sufficient time, no useful purpose would be served in keeping the petitioner behind bars.

Resultantly, without meaning any expression of opinion on the merits of the case, it is ordered that the petitioner be released on regular bail subject to his furnishing requisite bail bonds/surety bonds to the satisfaction of the trial Court concerned.

The petition is allowed.

(DEEPAK MANCHANDA)
JUDGE

27.01.2023
seema

Whether speaking/reasoned	Yes
Whether Reportable	Yes /No