

**IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH.**

**CRM-M-4020-2023**

**Date of Decision:-16.02.2023**

**Santosh Devi.**

.....Petitioner.

Versus

**State of Haryana.**

.....Respondents.

**CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI**

Present:- Mr. ADS Jattana, Advocate for the Petitioner.

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

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**JASJIT SINGH BEDI, J. (ORAL)**

The Prayer in this petition under Section 439 Cr.PC is for the grant of regular bail in case FIR No.724 dated 17.12.2022 under Sections 420, 120-B IPC read with Sections 23, 29, 4, 5 (1)(a), 6(a) PNDT Act, 1994 registered at Police Station Ambala City, District Ambala.

In brief, the relevant facts of the prosecution case are that on 17.12.2022, on receipt of a complaint, a raiding party was prepared and a decoy patient Baljinder Kaur was added with her consent in the raiding party for the purpose of the raid. Rs.11,500/- were given to Baljinder Kaur. As per plan, she went to accused/petitioner-Santosh Devi, who after due negotiation agreed for a sex-determination test for Rs.11,500/- and asked to reach at Ambala-Chandigarh Highway in the area of Lalru at about 10.00 AM on 17.12.2022. Baljinder Kaur reached there where Santosh Devi took

Rs.1000/- from her. After sometime, Santosh Devi took her to Dera Bassi for the sex determination test. The raiding team was chasing them. Thereafter Santosh Devi got conducted the sex determination test of the foetus in the womb of Baljinder Kaur. Thereafter, she took back Baljinder Kaur to Ambala where she disclosed to Baljinder Kaur that a male child was in womb and received Rs.10,500/- from Baljinder Kaur. After getting a signal, the raiding party apprehended petitioner-Santosh Devi. Recovery of the money was effected as per law. The FIR was registered. After completing all the formalities, the petitioner was arrested.

Based on the said information, the present FIR came to be registered.

The counsel for the petitioner contends that the FIR has been wrongly registered as only a complaint could be instituted. The recovery of the money has been planted upon the petitioner. In fact she is a illiterate and domestic lady and had no knowledge of conducting sex selection tests. Since she was in custody since 17.12.2022 a formal complaint stood filed on 19.01.2023 of which cognizance had been taken, the further incarceration of the petitioner was not required and she was entitled to the concession of bail.

The Counsel for the State on the other hand contends that offences of this kind are on the rise and, therefore, the petitioner was not entitled to the grant of bail.

I have heard learned Counsel for the parties at length.

Admittedly, the petitioner is a first time offender. The veracity of the allegations shall be established during the course of the Trial. The investigation stands completed, the complaint stands filed on which

cognizance had been taken. As many as 09 prosecution witnesses are yet to be examined. Therefore, the Trial of the present case is not likely to be concluded anytime soon. In such a situation, the further incarceration of the petitioner is not required.

Thus, without commenting on the merits of the case, the petition is allowed and petitioner-**Santosh Devi** wife of Sh. Kesar Singh is ordered to be released on bail subject to the satisfaction of learned CJM/Duty Magistrate, concerned.

The Petition stands disposed of.

( JASJIT SINGH BEDI )  
JUDGE

Feburary 16, 2022  
Vinay

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| <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| <i>Whether reportable</i>        | <i>Yes/No</i> |