

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

**Neutral Citation No. 2023:PHHC:042566
CRM-M-11166-2023
Date of Decision: March 22, 2023**

Anish

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. K.S. Dhaliwal, Advocate for the petitioner.

Mr. Randhir Singh, Addl. A.G., Haryana.

DEEPAK GUPTA, J.(Oral)

Status report by way of affidavit of Shri Jai Singh, Deputy Superintendent of Police, Ladwa, District Kurukshetra on behalf of respondent-State has been filed.

2. Petitioner is praying for grant of anticipatory bail in case FIR No.703, dated 14.12.2022, registered at Police Station Ladwa, District Kurukshetra, under Sections 2, 3, 3A, 3B, 4, 5, 6, 18, 23, 27, 29 of the PCPNDT Act, 1994; Rule 3(3A), 4, 9, 10, 18 (I to XI) and Sections 15(2) and 15(3) of Indian Medical Council Act and Section 120-B/420 of IPC.

3. The case of the prosecution is that Chairman District Appropriate Officer-cum-Civil Surgeon, Kurukshetra had received a secret information about conducting of illegal sex determination of the fetus by some touts in Kurukshetra and in the adjoining districts. A team was constituted. On 13.12.2022, the said team received secret information about tout, namely, Raj Kumar @ Laddi, who agreed to get sex determination test conducted for ₹45,000/-. A decoy pregnant woman, namely, Anu was requested to cooperate. It is alleged that

associate touts, namely, Saroj and Deep Kaur took the decoy to Deoband

in UP, where the ultrasound was conducted allegedly by the petitioner with the help of another tout, namely, Manoj.

4. Contention of the petitioner is that he is a small time contractor and had dispute with co-accused Javed, who nominated him in disclosure statement. Petitioner also contended that he is not even a doctor and has been falsely implicated.

5. As per status report filed by the respondent-State, petitioner is the principal accused, who conducted the ultrasound on the decoy pregnant woman and that recovery of the ultrasound machine as well as the amount is to be effected. Complicity of remaining accused persons is also to be disclosed by the petitioner as he along with co-accused are jointly running such type of illegal rackets.

6. It is submitted by learned State counsel that disclosure statement of co-accused may not be admissible at the time of trial, but at the stage of investigation, this is very relevant document to proceed further in the investigation. It is urged that the petitioner is involved in the racket of sex determination of child, which is a serious social menace. Ramification of such like offences are serious. Unless the investigating agency is given opportunity to interrogate the petitioner, recovery of ultrasound machine may not be possible nor the investigating agency will come to know about the complete modus operandi to commit the offence.

7. After considering submissions of both the sides, I am of the view that petitioner does not deserve to be given the benefit of

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anticipatory bail, having regard to the nature of the allegations against him and the fact that his name has been specifically disclosed during the disclosure statement by the co-accused. As per investigation conducted so far, petitioner is the principal accused, who conducted sex determination test on the decoy pregnant woman. As such, without commenting anything on the merits of the case, the petition is hereby is dismissed.

March 22, 2023
sarita

(DEEPAK GUPTA)
JUDGE

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