

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(227)

CRM-M-16302-2023
Date of Decision:- 15.12.2023

Dr. Shashi Bala

...Petitioner

VERSUS

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

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

Mr. Kanwar Jeet Singh, AAG, Punjab
for State-respondent No.1.

SUVIR SEHGAL, J. (Oral)

1. By way of present petition, petitioner has approached this Court under Section 482 of the Code of Criminal Procedure, 1973 for direction to the respondents to de-seal the room and Ultrasound Scan Machine kept in Shashi Nursing Home, Una Road, District Hoshiarpur.

2. Counsel for the petitioner submits that the petitioner is a Gynecologist and owner of M/s Shashi Nursing Home and Scan Centre. A raid was conducted on the hospital on a complaint and FIR No.240 dated 20.09.2022 was registered under Sections 23 and 29 of the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 as well as under Section 109 and 120-B, IPC at Police Station City Hoshiarpur, District Hoshiarpur, Annexure P-2. Counsel submits that the Investigating Team has taken into possession the register, receipt books as

well as the electronic record from the hospital. He submits that the petitioner was released on anticipatory bail by order dated 30.09.2022, Annexure P-3, passed by this Court, investigation has concluded and challan has been presented. He submits that as the machines in the nursing home were sealed, an application dated 15.11.2022, Annexure P-4, was submitted before the learned Chief Judicial Magistrate, Hoshiarpur, which was dismissed vide order dated 15.12.2022, Annexure P-5. Counsel submits that an appeal was preferred before the competent authority on 01.02.2023, which is pending and no decision has been taken thereon.

- 3. Notice of the instant petition was issued in April, 2023, however, no response has been filed, rather upon instructions, State counsel has requested for grant of more time to file response.
- 4. Heard counsel for the parties.
- 5. Noticing that the appeal filed by the petitioner is pending before the competent authority, this Court deems it appropriate to direct the authority concerned to take a final decision on the appeal within a period of six weeks from the date of communication of a copy of this order.
- 6. With the above direction, present petition is disposed of.

(SUVIR SEHGAL)
JUDGE

15.12.2023
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No