

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

(Sr. No.210)

CRM-M No. 19656 of 2023

Date of decision : 10.05.2023

Poonam

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM : HON'BLE MR. JUSTICE DEEPAK SIBAL

Present : Mr. Sartej Singh Narula, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

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DEEPAK SIBAL, J. (Oral)

(1) Through the present petition filed under Section 438 Cr.P.C. the petitioner seeks anticipatory bail in FIR No.833 dated 04.11.2022 registered under Sections 15(2), 15(3) of the Indian Medical Council Act, 1956, Sections 3, 4, 5 of the Medical Termination of Pregnancy Act, 1971, Sections 23 and 29 of the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 (for short – the PNDT Act) and Sections 420, 34, 120-B IPC, at Police Station Hansi City, District Hisar.

(2) Briefly stated, the case of the prosecution is that the Health Department of the State of Haryana received information that sex determination of foetus was being conducted in Dhattarwal Hospital, Hansi (for short - the hospital). Acting on such information, a decoy patient was introduced who initially came in contact with co-accused Geeta. On payment of Rs.40,000/- the decoy patient's ultrasound was conducted at the

hospital by co-accused Dr. Urmil Dhattarwal and the sex of her unborn child was disclosed to her. Geeta was arrested who disclosed that it was the petitioner through whom all payments to Dr. Dhattarwal were routed. On being arrested Dr. Dhattarwal disclosed to the police that the petitioner was one of the conduits between the hospital and the pregnant ladies who wanted to know the sex of the foetus that they were carrying.

(3) On being nominated as an accused the petitioner sought regular bail from the Sessions Court at Hisar, which plea of hers was rejected. She then knocked the doors of this Court through *CRM-M No.41651 of 2022 - Poonam Vs. State of Haryana*. Such petition of hers was allowed by this Court on 21.11.2022.

(4) In the meanwhile, investigations conducted by the State revealed that one Ritu was also one of the victims whose unborn baby's sex determination had been conducted by Dr. Dhattarwal but before that the petitioner and Geeta had played a pivotal role in the same. Since Ritu's unborn child was a female, the petitioner and her co-accused had also facilitated termination of Ritu's pregnancy. Later, she again got pregnant and sought determination of the sex of her unborn child. This time again the petitioner played an important role in such act. The petitioner's role was further found by the police through exchange of several messages inter se between the petitioner, Geeta and Ritu. Since a fresh FIR with regard to Ritu's case was lodged, the petitioner was again sought to be arrested. She filed a petition before the Sessions Court at Hisar seeking therein anticipatory bail which was dismissed and it is in this background that the present petition has been filed before this Court for the aforesaid relief.

(5) Learned counsel for the petitioner submits that the petitioner is a housewife; she has been falsely implicated in this case; the petitioner has a 02 year old child to look after; the petitioner was arrested in the first case on 28.07.2022 and granted regular bail by this Court on 21.11.2022; when the FIR in question was registered on 04.11.2022 the petitioner was already in custody and that the investigating agency could have easily questioned her in this FIR as well; the only evidence against the petitioner is the alleged disclosure statement of a co-accused in police custody which has no evidentiary value; since the allegations in the first case and the FIR in question are similar, no further recovery or questioning is required from the petitioner and that in pursuance to the notice under Section 41(1) Cr.P.C. the petitioner has already joined and cooperated with the investigation.

(6) Learned State counsel opposes the petition.

(7) Learned counsel for the parties have been heard and with their able assistance the record of the case has also been perused.

(8) The petitioner is alleged to be one of the lead players in the shameful, immoral and illegal commercially played game of sex determination of the foetus; she is involved in 02 FIRs containing similar allegations; her alleged role is that of a conduit between the pregnant ladies and the doctor; the ill gotten money for sex determination of unborn children is also allegedly routed to the doctor through the petitioner; so far, the petitioner's alleged role has come forth not only in the statements made to the police by co-accused Geeta, Dr. Dhatarwal and Ritu but also through a string of messages inter se exchanged between the petitioner, co-accused Geeta and the victim-Ritu; after determination of the sex of the unborn child

of one of the victims namely Ritu the police have found that her pregnancy was got forcibly terminated as she was carrying a female child foetus and that the police is still investigating the matter in which they say that there may be many other victims since the doctor with whom the petitioner is allegedly liaisoning with is said to be running her hospital for the last about 25 years.

(9) In the light of the above, this Court is of the unhesitant opinion that the instant petition merits rejection.

(10) Dismissed.

(11) It is clarified that the above observations have been made only for the limited purpose of deciding the present anticipatory bail application and the same would not be construed to be an expression of opinion on the merits of the case.

10.05.2023

sunil yadav

**(DEEPAK SIBAL)
JUDGE**

Whether speaking/reasoned : Yes / No

Whether reportable : Yes / No