

219 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21672-2023
Date of Decision:27.07.2023

Nasib Singh ...Petitioner

vs.

State of Haryana ...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. G.S.Sandhu, Advocate,
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

In compliance of the last order dated 14.07.2023, the Investigating Officer of the present case as well as Dr. Sheenu Chaudhary, Deputy Civil Surgeon (PC-PNDT), Karnal are personally present in the Court.

The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant a regular bail to him in case FIR No.323 dated 28.05.2022 registered under Sections 120-B, 420 of IPC and Sections 23, 3A, 4, 6(a) of Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (Sections 3 and 5 of Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection Act, added later on), at Police Station Civil Lines, Karnal.

Learned counsel for the petitioner submits that the petitioner has been falsely involved in the present case and no sex determination was done in the present case. He further contends that as per the FIR, the present petitioner

had disclosed to the decoy customer that the foetus is of a girl, whereas a male child has taken birth. He further contends that the investigation has been completed in the present case and the report under Section 173 Cr.P.C. has been presented against him in the competent Court. The petitioner is in custody since 16.06.2022 and his further incarceration will serve no meaningful purpose. Learned counsel further contends that during the course of investigation, the employees and doctors of the hospital i.e. Good Hopes Diagnostic Centre, Karnal have been found to be innocent in the present case. Further, the conclusion of the trial will take quite a long time.

On the other hand, learned State counsel has vehemently opposed the grant of concession of bail to the present petitioner on the ground that there are serious allegations against the present petitioner and he is the main accused in the present case. She further submits that one more case under NDPS Act has been registered against the present petitioner. However, she admits that the petitioner is on bail in the said case.

I have heard the learned counsel for the parties and perused the record.

Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

(N.S.SHEKHAWAT)
JUDGE

27.07.2023
hemlata

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