

(217)

2023:PHHC:077051

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-24722 of 2023

Date of Decision: May 26, 2023

Javed @ Mohd. Javed

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Arvind Kashyap, Advocate for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

DEEPAK GUPTA, J.(Oral)

The petitioner is seeking regular bail by way of this petition under Section 439 Cr.P.C in case FIR No.0703 dated 14.12.2022 registered under Sections 18, 23, 29, 3A, 4 of Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 (Section 2, 3, 3-B, 5, 6, 7, 9, 10, 27 of Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 added later on), Section 15(2)(3) of Indian Medical Council Act, 1956 and Section 420, 120-B of the IPC registered at Police Station Ladwa, District Kurukshetra.

According to the prosecution allegations, petitioner along with co-accused was a party indulging in Sex Determination Test of pregnant woman. Petitioner was arrested on 06.02.2023 in the present case. The attribution to the petitioner is that his premises were used for conducting Sex Determination Test.

It is submitted by counsel for the petitioner that petitioner has been falsely implicated and that co-accused Raj Kumar alias Laadi

was allowed regular bail from the Sessions Court vide order dated 03.01.2023 whereas another co-accused Preeti @ Deep has also been allowed regular bail on 12.04.2023 in CRM-M-13892 of 2023.

Status report by way of an affidavit of Shri Tarun Saini, Deputy Superintendent of Police Ladwa, Kurukshetra on behalf of the respondent- State, along with custody certificate has been filed.

Learned State Counsel objected to the grant of bail on the ground that the place of the petitioner was used for conducting the sex determination test and that he was in constant touch with the co-accused as per Annexure R.1.

As per the custody certificate, petitioner is in custody for the last 03 months and 18 days. All the offences are triable by the Magistrate. He is not required for any interrogation.

Having regard to the aforesaid facts and circumstances but without commenting anything further on the merits of the case, petitioner is admitted to bail on his furnishing bail bonds/ surety bonds to the satisfaction of the learned trial Court/ Duty Magistrate concerned, on usual terms and conditions.

May 26, 2023

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(DEEPAK GUPTA)

JUDGE

Whether reasoned/speaking: Yes/No

Whether reportable: Yes/No