

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-34047-2023
Date of Decision.:21.07.2023

AnishPetitioner
Vs.
State of HaryanaRespondent

CORAM:- HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Dinesh Arora, Advocate for
Mr. Sanjay Verma, Advocate
for the petitioner.

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.703 dated 14.12.2022 registered under Sections 2, 3, 3-A, 3-B, 4, 5, 6, 7, 9, 10, 18, 23, 27, 29 of PC and Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 (PNDT Act) and Rules (i to xi), 15 (2) & (3) of Indian Medical Council Act, 1956 and 420, 120-B of the IPC, 1860 registered at Police Station Ladwa, District Kurukshetra.

2. 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 10.04.2023 in the present case. The attribution to the petitioner is that the ultrasound machine was recovered from him which has been used for conducting Sex Determination Test.

3. It is submitted by learned counsel for the petitioner that all the offences in question are triable by the Magistrate; that co-accused Raj

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Kumar @ Laddi has already been allowed bail by the Court of Additional Sessions Judge vide order dated 03.01.2023 whereas co-accused Javed @ Mohd. Javed has been allowed regular bail by this Court vide order dated 26.05.2023 in CRM-M-24722-2023.

- 4. Notice of motion.
- 5. Mr. Parveen Kumar Aggarwal, DAG, Haryana accepts notice on behalf of respondent- State.
- 6. Learned State counsel could not refute the contentions raised by learned counsel for the petitioner. Custody certificate has been placed on record.
- 7. As per the custody certificate, petitioner is in custody for the last 03 months and 11 days. Trial is likely to take long time to conclude. All the offences are triable by Magistrate. Petitioner is not required for any interrogation.
- 8. Having regard the aforesaid facts and circumstances, but without commenting anything further on the merits of the case, this petition is allowed and 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.

July 21, 2023
Neetika Tuteja

(DEEPAK GUPTA)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No