

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

201

CRM-M-36895-2023  
Decided on : 26.10.2023

Dr. Rajan Thakral

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH**

PRESENT: None for the petitioner(s).

Mr. Surender Singh Pannu, Addl. AG, Haryana  
assisted by SI Ashok Kumar.

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**SANJAY VASHISTH, J. (Oral)**

1. Prayer in this petition, filed under Section 438 of the Code of Criminal Procedure, 1973, is for grant of anticipatory bail to the petitioner, who has been booked for having committed the offences punishable under Sections 120-B, 34, 420 of IPC and Section 23 of the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, in case FIR No.504, dated 01.07.2023, registered at Police Station City Hisar, District Hisar.

2. After hearing learned counsel for the petitioner, Coordinate Bench of this Court, granted concession of *ad-interim* anticipatory bail to the petitioner, vide order dated 31.07.2023, which says as under:-

*“Present: Mr.Sunil Saharan, Advocate, for the petitioner.*

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*Prayer in this petition is for grant of anticipatory bail in case FIR No.504 dated 01.07.203 registered at Police Station City Hisar, District Hisar under Sections 120-B, 34 & 420 IPC and Section 23 of the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994.*

*FIR was registered on the complaint of Dr.Prabhu Dayal, SMO, Office of Civil Surgeon, Hisar, as per which petitioner Dr. Rajan Thakral along with co-accused Sonu, Pawan Chahal, Ramesh and others are indulging in illegal sex determination test of the pregnant ladies. On the basis of secret information, a raiding*

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*team was constituted, in which Ms.Rajni a pregnant woman was prepared as a decoy patient. During raid proceedings, co-accused Sonu and Ramesh received ₹82,000/- from the decoy patient for sex determination test of the fetus, out of which they kept ₹32,500/- and returned the remaining amount to the decoy patient stating that the same was to be paid to the person who will conduct the test. Further prosecution case is that decoy patient and her helper were taken by co-accused Ramesh to Bus Stand, Nehla where they were asked to wait. Till evening, no test was conducted. Members of the raiding team returned back near to the hospital of the petitioner, where decoy patient and her helper demanded their money back from co-accused Sonu. Said Sonu and Ramesh sent two other persons, namely Sonu son of Chandan and Chand son of Rajender, who returned the money to the decoy patient and it is at that time that members of the raiding party apprehended both of them. The raiding team then reached the hospital of the petitioner and collected relevant evidence. Petitioner admitted that he knew Sonu and Ramesh and that on 21.06.2023, he was present with the decoy patient, her decoy husband and the co-accused. In the Mobile phone of the petitioner, aadhar card of the decoy patient and several other females were found to be stored regarding which he could not give any explanation.*

*It is contended by learned counsel that as per the FIR version itself, no sex determination test was conducted. There is no evidence that the petitioner is ever involved in any such crime. He was present and had joined the proceedings when the raiding team arrived and cooperated in the same. Keeping the photographs of the aadhar card of the decoy does not constitute any offence. Nothing was recovered from him. Still further it is contended that petitioner is ready to join further investigation, if so required, and so he be granted anticipatory bail.*

*Notice of motion.*

*Mr.Randhir Singh, Addl. A.G., Haryana accepts notice on behalf of the respondent/State.*

*Ld. State counsel has opposed the prayer by pointing out towards the nature of crime and that petitioner is involved in the racket of the sex determination test. However, it is conceded by ld. State counsel that as per the FIR, no test was conducted. It is also conceded that no money, having been earlier paid by the raiding team to the decoy patient, was found from the petitioner.*

*Adjourned to 26.10.2023 for filing complete status report.*

*In the meantime, in case of his arrest, the petitioner shall be released on interim bail subject to the satisfaction of the Arresting Officer/Investigating Officer. However, it is further directed that the petitioner shall join the investigation as and when so required by the Investigating Officer. He shall not contact any person associated with the case to dissuade him from the investigation in any manner whatsoever and nor shall leave the country without prior permission of the Court. He shall further comply with the conditions stipulated in Section 438(2) Cr.P.C.”*

3. In terms of order dated 31.07.2023, learned State counsel has produced the reply dated 19.10.2023, by way of affidavit of Satyapal Yadav,

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HPS, DSP, Detective, Hisar, on behalf of the respondent – State, in Court today. Same is taken on record, subject to all just exceptions. Office to tag the same at appropriate place.

4. Learned State counsel, on instructions from SI Ashok Kumar, submits that in pursuance to order dated 31.07.2023, petitioner has joined investigation, and thus, the custodial interrogation of the petitioner is not required for the purpose of investigation.

5. Taking into consideration the submissions recorded by the Coordinate Bench of this Court, and the compliance made by the petitioner, and also the fact that the petitioner has joined the investigation and his custodial interrogation is no more required by the prosecution agency, the present petition is allowed and the ad-interim order dated 31.07.2023, is made absolute.

However, the petitioner shall continue to join the investigation as and when required to do so and abide by all the conditions laid down under Section 438(2), Cr.P.C.

Petition stands **disposed of**.

(SANJAY VASHISTH)  
JUDGE

**October 26, 2023**

*J.Ram*

*Whether speaking/reasoned:* Yes/No

*Whether Reportable:* Yes/No