

212 **IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM M-37154-2023 (O&M)
Date of Decision: 06.09.2023

Sukhdev Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Vicky Sharma, Advocate,
 Mr. KPS Virk, Advocate and
 Mr. K.S. Dhaliwal, Advocate for the petitioner.

Mr. Surinder Dagar, DAG, Haryana
for the respondent.

MAHABIR SINGH SINDHU. J.

Present petition has been filed under Section 438 of the Code of Criminal Procedure (for short “Cr.P.C”) for grant of pre-arrest bail to the petitioner in FIR No.370 dated 05.07.2023, under Sections 3, 3-B, 4, 5, 6, 18, 23, 27, 29 of PNDT Act, 1994, Rules 3-A, 4, 9, 10, 18 (i to xi) of the PNDT Act, Section 34 of the Nation Medical Commission Act, 2019 & Sections 120-B and 420 of the Indian Penal Code, 1860 (for short “IPC”), registered at Police Station Krishna Gate, Thanesar, District Kurukshetra.

2. As per allegations levelled in the FIR, petitioner along with co-accused was found indulging in sex determination test of pregnant women. A sum of Rs.5,000/- is alleged to have been transferred online in the account of petitioner.

3. This Court vide order dated 09.08.2023, granted interim bail to petitioner and the same reads as under:-

“Contends inter alia that in view of the interdict under Section 28 of the Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, only complaint would be maintainable.

Faced with the above situation, learned State Counsel seeks time to have instructions.

Posted for 06.09.2023.

In the meanwhile, petitioner shall join investigation before the Investigating Officer. In the event of his arrest, the Arresting Officer would admit him to interim bail in the present case, till the next date of hearing, on his furnishing adequate bail and surety bonds to his satisfaction. The petitioner is also directed to abide by all the conditions as envisaged under Section 438(2) of Code of Criminal Procedure, 1973.”

4. Learned counsel on instructions from petitioner submits that in pursuance of the aforesaid order, he joined investigation and his custodial interrogation is not required by the Police.
5. The above factual position is duly acknowledged by learned State Counsel, on instructions from ASI Jasbir Singh and fairly submitted that custodial interrogation of the petitioner is not required at this stage.
6. In view of the above, interim order dated 09.08.2023 is made absolute subject to the conditions as envisaged under Section 438(2) Cr.P.C.
7. It is also made clear that petitioner shall fully co-operate with the Investigating Officer as and when called for further investigation.
8. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
9. Disposed off accordingly.
10. Pending application(s), if any, shall also stand disposed off.

06.09.2023

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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned :

Yes/No

Whether Reportable:

Yes/No