

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40367 of 2023

Date of Decision: August 18, 2023

Subhash Chand

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present:- Mr. Mayur Karkra, Advocate for the petitioner.

DEEPAK GUPTA, J.

Prayer in this petition is for grant of anticipatory bail in case FIR No.58 dated 17.02.2023 (Annexure P.1), registered under Sections 420 and 120-B IPC and Sections 3, 4, 5, 6, 18, 23 and 29 of Pre-conception and Pre-Natal Diagnostic Techniques Act, 1994 and Section 34 of National Medical Commission Act, 2019 at Police Station Civil Line, District Kaithal.

2. As per prosecution allegations, secret information was received in the month of February, 2023 to the effect that a racket of illegal sex determination was being run by a person named Manish. A joint team of the Office of Civil Surgeon, Gurugram and that of Civil Surgeon, Kaithal was constituted to nab the culprits. The said co-accused Manish was contacted who demanded ₹60,000/- for the purpose. 08.02.2023 was fixed by him for the purpose of sex determination of the victim. A decoy pregnant lady was deputed and the amount was transferred in the account of co-accused Manish. As per instructions, decoy patient proceeded for Saharanpur along with co-

accused Balbir. They were chased by the teams of Kaithal and Gurugram. After completion of the sex determination at Saharanpur, the afore-said persons came back to Kaithal. Balbir and Sandeep were apprehended at Kaithal. Complaint was made and FIR was registered. During investigation, name of the petitioner surfaced in the disclosure statement of Manish as per which it is the petitioner who had conducted the illegal sex determination at Saharanpur at his house. Said Manish also identified the house of the petitioner.

3. It is contended by learned counsel that petitioner has been falsely implicated; that he is not named in the FIR; that he is sought to be implicated only on the basis of disclosure statement of co-accused which is inadmissible; and that the petitioner is ready to join the investigation.

4. Notice of motion.

5. Mr. Randhir Singh, Addl. AG, Haryana, accepts notice on behalf of the respondent- State.

6. Strongly opposing the bail petition, learned State Counsel, contended that name of the petitioner has surfaced in the disclosure statement of co-accused Manish against whom specific secret information had been received and that it is the petitioner who himself conducted sex determination test with a portable ultra sound machine. It is further contended that it is the maternal grandson, namely, Aryan, of the petitioner, who had taken the decoy patient on his scooty at Saharanpur and dropped her later on after the test. That scooty is also registered in the name of the wife of the petitioner.

7. Learned State Counsel also submits that as per investigation,

the CDR details reveal frequent mobile calls between the petitioner and the co-accused Manish and that recovery of ultra sound machine is to be effected from the petitioner due to which his custodial interrogation is required.

8. Having considered the submissions of both the sides and nature of allegations against the petitioner and the facts which have emerged during investigation, this Court find the present case to be not a fit case so as to exercise the discretion of granting anticipatory bail to the petitioner.

9. Dismissed.

August 18, 2023

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(DEEPAK GUPTA)
JUDGE

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