

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-41851-2023
Decided on: 24.08.2023

Ramesh

. . . . Petitioner

Vs.

The State of Haryana

. . . . Respondent

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Ajit Singh Lamba, Advocate, for the petitioner.

DEEPAK GUPTA, J.

By way of this petition filed under Section 438 Cr.P.C., petitioner prays for grant of anticipatory bail in case FIR No.504 dated 01.07.2023 registered at Police Station City Hisar, District Hisar under Sections 120B, 34 and 420 of the Indian Penal Code, 1860 and Section 23 of the Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 substituted by Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 (for short 'the PNDT Act'] vide Act 14 of 2003 w.e.f. 14.02.2023

2. It is contended by ld. counsel that petitioner is being attributed to have received the money along with the co-accused from PNDT team during the alleged trap laid by them. Ld. counsel contends that petitioner is neither the employee of any hospital nor involved in any transaction, which is supposed to have taken place for determination of the gender of fetus and that all the allegations are bogus. Still further it is argued that no case under Section 23 of the PNDT Act is made out. Ld. counsel further submits that co-accused Dr. Rajan Thakral has already been allowed the benefit of interim

anticipatory bail by this Court, vide order dated 31.07.2023 passed in CRM-M-36895-2023. It is urged that petitioner is ready to join the investigation and so he be allowed the benefit of anticipatory bail.

3. Notice of motion.

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

5. Ld. State counsel contends that case of the petitioner is on entirely different footing, as he accepted the money along with co-accused Sonu from the decoy patient for sex determination test of the foetus and therefore, his case is not on parity with co-accused Dr. Rajan Thakral. Ld. State counsel contends further that having regard to the gravity of the offence and the role attributed to him, his custodial interrogation may be required and so, grant of anticipatory bail is opposed.

6. Heard both the sides.

7. In CRM-M-36895-2023, this Court had noticed the facts as under: -

“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 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.”

8. As is evident from the aforesaid facts, petitioner Ramesh had received the amount of ₹82,000/- along with co-accused Sonu from the decoy patient for sex determination test of the foetus, though they kept ₹32,500/- and returned the remaining amount. Simply because the amount was later on returned through one Sonu, the liability of the petitioner will not absolve. His custodial interrogation may be required to know the modus operandi of committing the crime.

9. Having regard to the nature of the crime and also the role attributed to the petitioner, but without commenting anything on the merits of this case, this Court finds the present case to be unfit for grant of anticipatory bail.

Dismissed.

(DEEPAK GUPTA)
JUDGE

24.08.2023

Vivek

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |