

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

**CRM-M-51399-2022
Date of Decision: 25.01.2023**

Rajesh

..... Petitioner

Versus

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present: Mr. Rajesh Lamba, Advocate
for the petitioner.

Mr. Ram K.Singla, DAG, Haryana.

HARSH BUNGER J. (ORAL)

Present petition is filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No.313 dated 20.09.2022 (Annexure P-1), under Sections 3(i), 3(2), 3(3), 4, 5(1)(a), 5(1)(c), 5(2), 6(a), 6(b), 6(c), 18 & 23 of the Pre Natal Diagnostic Techniques (Regulations and Prevention of Misuse) Act, Sections 120-B, 336 & 420 IPC and Section 34 of the National Medical Commission Act [Section 18(c) and 18-A of the Drugs and Cosmetics Act, added later on vide order dated 05.01.2023], registered at Police Station Sadar Ballabgarh, District Faridabad.

Learned counsel for the petitioner submits that the petitioner

has been falsely implicated in the instant case on the basis of complaint filed

by Dr. Harjinder, Nodal Officer. It is further submitted that no ultrasound machine or kit was recovered from the petitioner. It is contended that the petitioner neither conducted the ultrasound in question nor disclosed the sex of child, rather he was not even present at the hospital where the alleged ultrasound was conducted. Learned counsel further submits that the petitioner is not involved in any other case. It is submitted that the petitioner has undergone four months and five days of custody. Learned counsel submits that the investigation of the case is complete and challan has been presented on 18.11.2022. Learned counsel further submits that the petitioner is ready to abide by all the conditions as may be imposed by this Court or by the trial Court, accordingly prayer for grant of regular bail is made.

Custody Certificate dated 24.01.2023 of the petitioner is filed by learned State counsel in Court today, which is taken on record, subject to all just exceptions.

Learned State counsel opposes the plea of petitioner for grant of regular bail on the ground of seriousness of the offences. However, learned State counsel does not dispute the fact that challan has been presented in the present case on 18.11.2022. It is also not disputed that as per custody certificate, the total custody of petitioner is four months and five days as on 24.01.2023 and he is not involved in any other case.

I have heard learned counsel for the parties and perused the paper book as well as the custody certificate of petitioner handed over by learned State counsel, in Court today.

As per custody certificate dated 24.01.2023, the petitioner has undergone four months and five days of custody. The investigation in the matter is complete and the challan stands presented on 18.11.2022. The trial

is likely to take long time and no useful purpose would be served by keeping the petitioner behind bars.

Keeping in view the aforementioned circumstances, the instant petition is allowed and the petitioner is ordered to be released on regular bail subject to his furnishing bail/surety bonds to the satisfaction of the trial Court/Illaq Magistrate/Duty Magistrate concerned. However, the concerned Station House Officer shall be informed about the release of petitioner and the petitioner shall inform the concerned Station House Officer about his address at which he intends to reside during the pendency of case and any change in the address shall also be communicated to the concerned Station House Officer, forthwith. The petitioner would also furnish his telephone number to the concerned Station House Officer. He would also furnish his undertaking to the effect that he will not indulge in any illegal activity.

Nothing expressed hereinabove shall be construed to be an observation on merits of the case and the facts and circumstances recorded above are only for consideration of the prayer for bail at this stage.

The petition is accordingly disposed of.

25.01.2023*Apurva***(HARSH BUNGER)
JUDGE**

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No