

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

1.

CRM-M-55496-2023
2023: PHHC: 161816

SANDEEP

. . . . Petitioner

Vs.

State of Haryana

. . . . Respondent

2.

CRM-M-52159-2023
2023: PHHC: 161814

MONIKA

. . . . Petitioner

Vs.

State of Haryana

. . . . Respondent

Decided on 15.12.2023

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. Ankur Lal, Advocate, for the petitioner
(in CRM-M-55496-2023)

Mr. Bhanu Pratap Singh, Advocate, for the petitioner
(in CRM-M-52159-2023)

Mr. Randhir Singh, Addl. A.G. Haryana.

DEEPAK GUPTA, J.

Status report filed by the State in CRM-M-55496-2023 is taken on
record along with custody certificate.

2. In the two petitions titled above, both filed under Section 439
CrPC, petitioners pray for their release on regular bail in case FIR No.284
dated 05.09.2023 registered at Police Station City Rewari, District Rewari,
under Sections 420/468/471/120B of IPC and Sections 3A /4(4) /5(2) / 6(C)/

23/25 of the Pre-Conception & Pre-Natal Diagnostic Techniques Act, 1994 [for short 'the PCPNDT Act'].

3. As per prosecution allegations, some people were reported to be involved in the sex determination racket of fetus, who used to get it done at Rattan Ultrasound Centre, near Girls Senior Secondary School, Kanod Gate, Circular Road, Rewari. As per the information received, accused-Sandeep (*petitioner in CRM-M-55496-2023*) had demanded ₹40,000/- in advance out of total amount of ₹60,000/-. An amount of ₹40,000/- was transferred in his account on 18.08.2023. Said petitioner-Sandeep fixed 04.09.2023 to be the date for conducting the test. A team was constituted. Intimation was also sent to appropriate authority of District Rewari. A decoy pregnant patient namely, Monika w/o Sandeep was planted for the raid. On 04.09.2023, petitioner-Sandeep reached Rattan Ultrasound Centre with decoy Monika, where another co-accused Monika w/o Anil (*petitioner in CRM-M-52159-2023*), partner of petitioner-Sandeep, was already present. Petitioner-Monika got prepared a referral slip by representing herself as Monika w/o Sandeep from Dr. Jyoti Yadav, though on the referral slip, stamp of Dr. Anubhuti was put. As per CCTV footage, it is petitioner Monika, who was examined by Dr. Jyoti Yadav. Petitioner - Sandeep then got the ultrasound of decoy Monika conducted and it is only after receiving another ₹10,000/-, sent through the decoy patient by raiding team, that he disclosed the sex of the fetus to the decoy. After getting a signal from the decoy, raid team reached the spot and apprehended both the petitioners i.e. Sandeep and Monika. Tinted notes were recovered from both the petitioners. CCTV footage from the cameras installed at Rattan Ultrasound Centre and also at Sachdeva Hospital, Rewari were obtained and analysed.

4. It is contended by ld. counsel for both the petitioners that they are in custody for the last more than three months; that till date even the complainant has not been presented before the Court concerned; that they have been falsely implicated; that the case is triable by Magistrate and that the trial may take time to conclude and so, they be allowed bail.

5. Ld. State counsel opposed the petitions by pointing out towards the nature of crime, but concedes that the case is triable by Magistrate and that formal complaint has not been laid before ld. Magistrate till date.

6. Having regard to all the facts and circumstances as noted above, when even the complaint has not been filed so far, trial is likely to take time to conclude as and when the complaint is filed. The petitioners are in custody for the last more than three months. No purpose shall be served by keeping the petitioners detained. As such, without commenting anything on merits of the case, petitions are allowed. Petitioners are admitted to regular bail on their furnishing requisite bail bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned, on usual terms and conditions.

Pending application(s), if any, stands disposed of.

A photocopy of this order be placed on the file of another connected case.

15.12.2023
Vivek

(DEEPAK GUPTA)
JUDGE

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