

230 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-58826-2023

Date of Decision: 28.11.2023

Sandeep Kumar

...Petitioner

vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present : Mr. Parveen Sharma, Advocate
for the petitioner.

Ms. Sheenu Sura, DAG, Haryana.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the instant petition under Section 439 of the Cr.P.C. with a prayer to grant regular bail to him in case FIR No.574 dated 21.08.2023, registered under Sections 18, 23, 29, 3, 4, 5, 6 of the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994, Section 34 of National Medical Commission Act, 2019 and Sections 120-B, 420 of IPC, at Police Station Assandh, District Karnal.

2. The FIR in the present case was got registered by Deputy Civil Surgeon, Karnal. It was alleged that Ashok Kumar and Sandeep Kumar were indulging in sex determination racket. On receipt of the secret information, a decoy pregnant woman Mafi wife of Manjit Singh was arranged and Sandeep Kumar, the present petitioner was contacted through a social worker and he demanded a sum of Rs.20,000/- for determining the sex through ultrasound machine and fixed the date for ultrasound after one week. On 21.08.2023, Sandeep Kumar contacted the social worker and informed that the ultrasound

would be performed at the residence of the patient. After constituting a raiding team, a raid was conducted at 1.10 p.m. on 21.08.2023 at the residence of the decoy patient. However, two persons, namely, Ashok Kumar and Sandeep Kumar, RMP, the petitioner were apprehended, whereas third unknown person managed to escape alongwith the machine. The decoy patient disclosed that the ultrasound was performed after applying jelly on her stomach and sex of fetus was told as a girl. With these main allegations, the FIR in the present case was registered against the present petitioner and his co-accused.

3. Learned counsel for the petitioner contends that the petitioner was arrested on 21.08.2023 and is in custody since then. He further contends that the petitioner was working as an Assistant in a medical shop and was arrested from the medical shop itself wrongly. He also submits that similarly placed co-accused, namely, Ashok Kumar has already been granted the concession of bail under Section 167(2) Cr.P.C. vide order dated 21.10.2023 (Annexure P-3) and the petitioner is also entitled to be released on bail.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that there are serious allegations against the present petitioner.

5. I have heard the learned counsel for the parties and perused the record.

6. The petitioner is in custody since last more than three months. Even after completion of the investigation, final report under Section 173 Cr.P.c. has been presented before the competent Court and the trial Court may take considerable time in concluding the trial proceedings. All the offences in

the present case are triable by the Court of Magistrate.

7. Without commenting on the merits of the case, the present petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of the trial Court/Duty Magistrate/Chief Judicial Magistrate, concerned.

28.11.2023
hemlata

(N.S.SHEKHAWAT)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No