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

CRM-M-59073-2023 (O&M)

Date of decision : 12.12.2023

Mohd. Nadeem Ahmad

...Petitioner(s)

Versus

State of Haryana

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: Mr. Kushagra Beniwal, Advocate for the petitioner.

Mr. Kiran Pal Singh, AAG, Haryana,
assisted by SI Mool Chand.

MAHABIR SINGH SINDHU, J.

Petition under Section 438 of the Code of Criminal Procedure has been filed for grant of pre-arrest bail to the petitioners in FIR No.486 dated 05.11.2023, under Sections 2, 3, 4, 5, 6, 9, 10, 18, 23, 25 & 29 of the Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 (for short, 'the PNDT Act'); Rules 9, 10, 18 of PNDT Act; Section 34 of the National Medical Commission Act, 2019; and Sections 420 & 120-B of the Indian Penal Code, 1860, registered at Police Station Ladwa, District Kurukshetra.

2. Allegations are that petitioner along with other co-accused was running pre-natal sex determination activities.

3. Contends that petitioner has been falsely implicated in the present case, merely on account of the fact that he is facing 02 other cases of similar nature. Also contends that no recovery is to be effected from the petitioner; thus, his custodial interrogation will not serve any purpose.

4. *Per contra*, learned State counsel, on instructions, submits that petitioner is already facing 02 more cases of the similar nature and he actively participated in the commission of crime. Further submits that from perusal of material collected uptill now, it is discernible that his custodial interrogation would be necessary to find out the truth of matter.

5. Heard learned counsel for the parties and perused the paper-book.

6. It is not in dispute that petitioner is involved in 02 more cases of the similar nature and details of which are as under:-

- (i) FIR no.188 dated 09.03.2022 under Sections 2, 3, 4, 5, 6, 18, 23, 25 and 29 of PC and PNDT Act, and Section 34 of NMC Act and Section 420 and 120-B IPC, Police Station Krishna Gate, Kurukshetra. In this case, the petitioner is under trial and on bail.
- (ii) FIR no.271 dated 28.07.2022 under Sections 2, 3, 4, 5, 6, 18, 23, 25 and 34 of NMC Act, and Sections 420 and 120-B IPC, Police Station City Shamli U.P. In this case, the petitioner is under trial and on bail.

7. Apart that, from the material collected during investigation, *prima facie* complicity of petitioner is apparent in the present case. Therefore, in order to find out the *modus operandi*, his custodial interrogation is very much necessary.

8. In view of the above, there is no option except to dismiss the petition.

9. Ordered accordingly.

10. The above observations may not be construed as an expression of opinion on merits of the case; rather confined only to decide the present bail matter.
11. Pending application(s), if any, shall stand disposed off.

12.12.2023
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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No