

**CRM-15609-2024 in/and
CRM-M-1494-2024**

2024:PHHC:052187

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

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**CRM-15609-2024 in/and
CRM-M-1494-2024
Date of decision: 18.04.2024**

JASPAL SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present : Mr. T.S. Grewal, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

HARPREET KAUR JEEWAN, J.

CRM-15609-2024

1. The present application has been filed for preponing the date of hearing in the main case, which is listed for 06.05.2024.
2. For the reasons mentioned in the application, the same is allowed.
3. The date of hearing in the main case is preponed and the main case is taken on Board today.

Main case

1. The present petition has been filed under Section 439 Cr.P.C. for grant of regular bail to the petitioner in case bearing FIR No 156 dated 15.12.2023 (Annexure P-1) under Sections 3B, 5, 6(b), 18, 23, 24, 25 and 29 of the Pre-natal Diagnostic Technique (Regulation and Prevention of Misuse) Act, 1994 and Sections 420, 120-B, 312 and 315 of the IPC, registered at Police Station Urban

Estate, District Patiala.

2. Custody certificate dated 17.04.2024 has been filed on behalf of the respondent-State, which is taken on record. As per the custody certificate, the petitioner has undergone 04 months and 03 days of actual custody.

3. The FIR was registered on the basis of complaint made by Dr. Gurpreet Singh Nagra, Chairperson, District Appropriate Authority-cum-Senior Medical Officer, PHC Kauli, Patiala submitted to SHO, Police Station Urban Estate, Patiala on the basis of an information that a group is operating for pre-natal sex determination. On the basis of the said complaint, a raid was conducted. A decoy patient was appointed to get an ultrasound examination conducted. After the ultra sound of the decoy patient was done and when the wife of the petitioner went inside to get her ultrasound done, the raiding party arrested the co-accused of petitioner. The petitioner was arrested on the same day.

4. Learned counsel for the petitioner *inter alia* contends that the petitioner has been falsely implicated in this case and he is in custody since 04 months and 03 days. He further contends that the petitioner has been implicated only with allegation that his wife was present for sex determination of her foetus and he was not arrested from the spot. It is further contended that wife of the petitioner is pregnant and her delivery is due in June, 2024 as per the medical record, which has been submitted in Court today and same is taken on record. He further submits that investigation is complete, final report under Section 173 Cr.PC has been presented before the trial Court but charges are yet to be framed. The petitioner is ready to face trial. He further submits that the trial is going to take time to conclude, as such, prayer for releasing the petitioner on bail has been

made.

5. On the other hand, learned State counsel on instructions from ASI Bhupinder Singh has informed that investigation is complete, final report under Section 173 Cr.PC has been presented before the trial Court but charges are yet to be framed. As per the custody certificate, there is no history of other cases against the petitioner.

6. I have considered the aforesaid contentions. Investigation is complete, the final report under Section 173 of the Code of Criminal Procedure has been presented before the trial Court and charges are yet to be framed. The petitioner is in custody since 04 months and 03 days. There is no history of other cases against the petitioner. The allegations against the petitioner are matter of trial, which will take some time to conclude. As per para No. 11 of the reply filed on behalf of respondent-State, the petitioner was not present at the spot.

7. In view of above, the petition is allowed. The petitioner is ordered to be released on regular bail, subject to his furnishing adequate bonds bonds and surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

8. However, it is made clear that nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

18.04.2024
P.Bhatt

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No