

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

212

CRM-M-5471-2024 (O&M)
Date of Decision: 19.03.2024

SURENDER SINGH

...Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM:- HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present:- Mr. N.C. Kinra, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.156 dated 15.12.2023 registered under Sections 3B, 5, 6(b), 18, 23, 24, 25 and 29 of Pre-Natal Diagnostic Techniques (Regulations and Prevention of Misuse) Act, 1994 and Sections 420, 120-B, 312, 315 IPC at Police Station Urban Estate, Patiala.
2. As per the prosecution case, upon receiving a secret information, a raid was conducted by "District Appropriate Authority Barnala" in which the decoy patient contacted the Jarnail Singh co-accused of the petitioner through whatsapp and thereafter, the team reached in House No. 67-A Star City Village Chaura. The co-accused Meena Rani took a sum of Rs.25,000/- from the decoy patient, out of which she gave a sum of Rs.5,000/- to co-accused Jarnail Singh and conducted the test on the decoy patient and disclosed the sex of the fetus

to be male. During the raid, another patient also came at the spot, the said patient was found to be the wife of the petitioner Surrender Singh.

3. Learned counsel for the petitioner contends that the petitioner had joined the investigation in pursuance to the order dated 02.02.2024 passed by this Court.

4. On 02.02.2024, this Court passed the following order:-

“The present petition has been filed under Section 438 Cr.P.C. for grant of anticipatory bail to the petitioner in case FIR No.156 dated 15.12.2023 registered at Police Station Urban Estate, District Patiala, under Sections 3B, 5, 6(b), 18, 23, 24, 25 and 29 of Pre-Natal Diagnostic Techniques (Regulations and Prevention of misuse) Act, 1994 and Sections 420, 120-B, 312, 315 IPC.

Learned counsel for the petitioner inter alia contends that petitioner is neither a technical nor a professional employee where the alleged Sex Determination Test was being conducted and where the raid was done with the help of a decoy. Neither any recovery has been made from the petitioner nor there are any allegations that petitioner had pressurized his wife to undergo any Sex Determination Test. It is further contended that the petitioner has not given any affidavit as mentioned in the order passed by the Additional Sessions Judge, Patiala while dismissing the bail application vide impugned order dated 23.01.2024.

Notice of motion.

On advance notice, Ms. Himani Arora, AAG, Punjab appears on behalf of the State and upon instructions of ASI Vikramjeet Sing, submits that at this stage she is not having any copy of the aforesaid affidavit and seeks accommodation.

Adjourned to 19.03.2024.

In the meanwhile, the petitioner is directed to join investigation within ten days and in the event of arrest, he shall be released on interim bail, to the satisfaction of the arresting officer/Area Magistrate, subject to furnishing bonds/surety, and also subject to the following conditions:-

(i) That the petitioner shall further make himself available for interrogation by a police officer as and when required.

(ii) That the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(iii) That the petitioner shall not leave India without the prior permission of the Trial Court/CJM concerned.”

5. Status report by way of an affidavit of Jangjit Singh, PPS, Deputy

Superintendent of Police, City-II, District Patiala has been filed on behalf of

respondent-State, which is taken on record.

6. Learned counsel appearing on behalf of the respondent-State on instructions from SI Gurmeet Singh confirms that the petitioner has joined the investigation.

7. Keeping in view the reasons recorded in the order dated 02.02.2024 and keeping in view the fact that the petitioner has joined investigation, his custodial interrogation is not required by the Investigating Agency, the present petition is allowed and the order dated 02.02.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down under Section 438(2) Cr.P.C.

8. Nothing expressed hereinabove would be construed to be an expression of opinion on merits of the case.

9. All pending miscellaneous application(s), if any, stands disposed of.

(HARPREET KAUR JEEWAN)

JUDGE

19.03.2024

P.Bhatt

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