

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

264

CRM-M-12333-2024 (O&M)
Date of Decision:- 02.05.2024

PARGAT SINGH

Versus

...Petitioner(s)

STATE OF HARYANA

...Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJIV BERRY

Present : Mr. Ashit Malik, Advocate for the petitioner.

Mr. Surender Singh, AAG Haryana.

SANJIV BERRY, J. (ORAL)

CRM-10815-2024

For the reasons stated in the application, same is allowed.

Exemption is granted.

CRM-M-12333-2024

The instant petition has been preferred by the petitioner under
Section 439 of the Code of Criminal Procedure for grant of regular bail to
the petitioner in the following case:-

FIR No.	Dated	Sections	Police Station
856	14.12.2023	420 IPC; 4(4), 5(2), 6 of the Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Act, 1994	Sadar Thanesar, District Kurukshetra

2. It is, *inter alia*, contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case on the allegation that he acted as a tout for getting the pre-natal pregnancy terminated after sex determination. He submits that the petitioner is in custody since 14.12.2023 and even the challan has already been presented, as such, he is not required for further investigation in the matter. He thus prayed for grant of regular bail to the petitioner.

3. Learned State counsel while referring to the reply submitted by the State has opposed the bail petition by arguing that the petitioner has actively participated in the crime and does not deserve the concession of bail. He submits that a recovery of Rs.30,000/- has been effected from the petitioner, which he used for conducting the sex determination test of the decoy.

4. Heard.

5. After considering the respective submissions and perusing the record, it transpires that the case of the prosecution qua the petitioner is that he acted as a tout by taking decoy witness to Shamli for her sex determination test and alleged to have received Rs.30,000/- for this purpose. Consequently, he was apprehended by the police on 14.12.2023 and recovery of Rs.30,000/- was effected from him. Admittedly, after the completion of investigation, challan has since been presented against the petitioner for trial and as many as 15 witnesses are cited by the prosecution, which will take sufficient long time to conclude to ascertain the criminal

liability, if any, of the petitioner and no purpose would be served by detaining the petitioner in custody any longer.

6. In these circumstances, without commenting on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail subject to his furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court/Duty Magistrate concerned, if not required in any other case; undertaking to regularly appear on each and every date; not to leave the country without prior permission of the Court; and not to tamper with evidence of prosecution in any manner.

7. Any observation made above shall not be construed as opinion of this Court on the merits of the case.

8. Pending miscellaneous application(s), if any, stand disposed of.

(SANJIV BERRY)
JUDGE

02.05.2024
S.Sharma(syr)

i)	Whether speaking/reasoned?	Yes/No
ii)	Whether reportable?	Yes/No