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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-12321-2024

Date of decision:-03.07.2024

SANDEEP

... Petitioner

Versus

STATE OF HARYANA

... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY.

Present:- Mr. Arun Kumar Singal, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J (ORAL)

Learned State counsel has filed reply by way of affidavit dated 01.07.2024 of Assistant Commissioner of Police, Mohana, Sonipat and custody certificate dated 01.07.2024. The same are taken on record, copy thereof, have been supplied to the counsel opposite.

2. The instant petition has been preferred by the petitioner under Section 439 of the Code of Criminal Procedure for grant of regular bail in the following case (Annexure P-1):-

FIR No.	Dated	Sections	Police Station
339	27.10.2023	419, 420, 120B, 34 IPC and 3, 4, 5, 6, 23, 25, 29 of the Pre-conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 and 3,4 MTP Act, 34, 54 of National Medical Commission Act	Sadar, Gohana, District Sonapat.



3. It is *inter alia* contended by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in this case and has not participated in the alleged transaction and he is in custody since 28.10.2023 and challan has already been presented in Court. He contends that neither the decoy witness had named the petitioner nor the mobile conversation between the co-accused mentioned about him. He submits that prosecution has cited 28 witnesses and none of them have been examined till date and it will take long time to conclude the trial, hence he prays for grant of concession of regular bail to the petitioner.

4. On the other hand learned State counsel opposed the bail application by arguing that the petitioner is working as local practitioner and had conducted illegal sex determination test along with co-accused and happens to be the kingpin of the racket so he does not deserve concession of bail. He submits that there is one more case registered against the petitioner of similar nature, although he is on bail therein.

5. After considering the rival contentions and perusing the record, it transpires that the petitioner had been apprehended by the police on 28.10.2023 on the allegation of having conducted the sex determination test on the decoy witness and in this the other co-accused also participated. Five persons including the petitioner were arrested and after investigation, challan has already been presented in Court.

6. Admittedly, none of the witnesses out of the 28 witnesses cited by the prosecution have yet been examined and the conclusion of trial in the present case, to ascertain criminal liability, if any, of the petitioner will take



sufficient long time, and no purpose would be served by detaining the petitioner any longer in custody.

7. Resultantly, the present petition is allowed. The petitioner is ordered to be released on regular bail subject to furnishing bail bonds/surety bonds to the satisfaction of learned Trial Court 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.

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

(SANJIV BERRY)
JUDGE

03.07.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |