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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-28340-2024
Date of decision:-02.07.2024

AAKASH ... Petitioner

Versus

STATE OF HARYANA ... Respondent

CORAM:- HON'BLE MR. JUSTICE SANJIV BERRY

Present:- Mr. Ravinder Bangar, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J (ORAL)

Learned State counsel filed status report dated 25.06.2024 by way of affidavit of Deputy Superintendent of Police, Barara, Ambala, the same is taken on record. Copy thereof, has been supplied to the counsel opposite.

2. By way of the present petition filed under Section 438 Cr.P.C. the petitioner is praying for anticipatory bail in the event of arrest in FIR (Annexure P1) detailed as under :-

FIR No.	Dated	Sections	Police Station
26	08.02.2024	3, 3B, 4, 4(4), 5(2), 6(a), 6(b), 18, 23, 29 of Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 and Sections 15(2), 15(3) of Indian Medical Council Act, 1956 and Section 420, 120-B of IPC and (Section 3-B of PC PNDT Act, Section 420, 120-B of IPC have been deleted lateron)	Saha, District Ambala.



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. He submits that the petitioner has no concern with the alleged transactions nor has participated therein, as such he prays for grant of concession of anticipatory bail to the petitioner.

4. *Per contra*, learned State counsel referring to the reply submitted by the State submits that the petitioner happens to be the kingpin of the entire racket and with the help of portable machine he has been conducting Ultra Sound for the purpose of sex determination in an illegal manner. He submits that in the present case also the petitioner has conducted ultra sound scan for which the decoy pregnant lady has paid ₹40,000/-. He submits that at the time of raid the petitioner had succeeded to flee and his custodial interrogation is required to unearth the scam and also for recovery of the portable machine used by him in the crime. He submits that from the call details taken by the police, the location of the petitioner's phone is at the place of the occurrence and he was in direct contact with the other co-accused at the spot.

5. After hearing the respective arguments and perusing the record, it is observed that the present FIR was registered on the complaint of Deputy Civil Surgeon, PNDT Ambala stating that the petitioner along with other co-accused had been indulging in illegal sex determination racket and accordingly a decoy witness was sent to accused No.1 Kiran Dass who demanded ₹40,000/- for sex determination of the foetus. Accordingly, the requisite amount was arranged and the serial number of currency notes were

noted and on 08.02.2024 she alongwith shadow lady were sent to the given place, on receiving money, the said Kiran Dass took the decoy pregnant lady to petitioner where he conducted ultra sound scanning, raid was conducted and Kiran Dass and Avnish Kumar were apprehended. The petitioner, however, escaped along with his portable scanning machine. The petitioner had played an active role in the occurrence in conducting the sex determination test of the decoy pregnant lady for which his accomplice has taken ₹40,000/-, as such custodial interrogation of the petitioner is required to recover the portable machine and also to ascertain the *modus operandi*. Moreover, the location of the petitioner as per the call details is at the place of the occurrence. There are 2 more criminal cases registered against the petitioner of similar nature.

6. Resultantly, considering the facts and circumstances of the present case coupled with the nature and gravity of offence, no case is made out in favour of the petitioner for grant of anticipatory bail. Accordingly, finding no merit in the present petition, the same is hereby dismissed.

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

(SANJIV BERRY)
JUDGE

02.07.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |