



CRM-M-29775-2024 and another connected matter

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277 (2 cases)

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

Date of Decision:- 03.09.2024

(1)

CRM-M-29775-2024

Sarabjeet Kaur @ Sarabjit Kaur

...Petitioner

Vs.

State of Punjab

...Respondent

(2)

CRM-M-40769-2024

Onkar Singh

...Petitioner

Vs.

State of Punjab

...Respondent

CORAM:-HON'BLE MRS. JUSTICE AMARJOT BHATTI

Present:- Mr. Pratham Sethi, Advocate for petitioner(s).

Mr. Gautam Thapar, AAG, Punjab.

AMARJOT BHATTI, J.

1. The petitioner(s) – Sarabjeet Kaur @ Sarabjit Kaur and Onkar Singh have filed separate petitions for grant of anticipatory bail in FIR No.121 dated 08.05.2024, under Sections 3, 3-A, 4, 5,6, 23, 25 & 29 of the Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse), Act, 1994 and Sections 405, 406, 420, 34, 120-B of IPC, registered at Police Station Kharar, District SAS Nagar (Annexure P-1). These petitions

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have arisen out of same FIR, therefore, both petitions are taken up together for disposal.

2. Facts of the case are that a written application was received in the Police Station that Civil Surgeon, Jhajjar received information regarding conducting of ultrasound of pregnant women for the purpose of sex determination of fetus. As the information was reliable, a team was constituted consisting of Dr. Sandeep Kumar, Medical Officer, Dr. Harshdeep, Medical Officer and Dr. Sabina, Medical Officer and one Mr. Vinod Kumar from the office of Civil Surgeon, Jhajjar. Pardeep an employee of Health Department was also joined in the team. He was directed to settle a deal with the agent for sex determination. Talk took place with the agent at mobile phone No.9350583644 and cost was fixed as Rs.90,000/- for said ultrasound for sex determination of fetus. Advance of Rs.45,000/- were demanded in advance. Ultimately, date and time were fixed. Pardeep reached new bus stand, counter No.6 with half of the amount, two persons were standing there. Agent was persuaded for receiving Rs.30,000/- in advance and remaining amount will be arranged thereafter. On 06.05.2024 at about 8:30 PM, Pardeep received whatsapp call from the agent No.9671517373 to reach Bhagat Singh Chowk, Jhajjar at 7:00 AM. Accordingly, Pardeep along with decoy came in taxi hired by Health Department and reached on the spot. GPS tracker was affixed on the body of decoy, who were being watched by the team in two other vehicles at some distance. At 7:00 AM, one tout whose name was revealed lateron as Manjit sat in the car and told the driver to reach Ambala. Team

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of PNDT, Jhajjar followed them. Said Manjit took meals with Pardeep and decoy at Sethi Dhaba. Thereafter, they came to Mohali, SAS Nagar via Chandigarh and Kharar. Dr. Sandeep Kumar contacted PNDT team of Mohali about the said operation and also shared their location. Manjit stopped the car at Arista Hotel in Sunny Enclave, Sector 125, Kharar. Manjit demanded balance of Rs.60,000/- from Pardeep which were given by Pardeep. Pardeep was told to stay near the car and thereafter, Manjit along with decoy started going on foot and at some distance boarded a white coloured Hyundai Santa FE car bearing No.HR-26-BX-4821 in which a lady was sitting. Said car was driven by a boy wearing black t-shirt. Said boy wearing black t-shirt got money from Manjit and took away decoy in his car. PNDT team chased Hyundai Santa FE car but due to heavy traffic, they missed the car. Team was continuously searching the decoy with the help of GPS tracker and reached at Sage Hospital. They noticed that decoy was sitting in the car driven by a boy wearing black coloured t-shirt. The car was stopped near tout Manjit. Said decoy alighted from the car and thereafter, the said boy went away immediately by driving at a high speed. On receiving signal from decoy, Manjit was nabbed on the spot. Said Hyundai Santa FE car was chased but they again missed the car due to traffic. Inquiry was conducted by PNDT team Jhajjar from said decoy. At his instance, they reached in the house ahead of Sage Hospital, on the first floor where ultrasound was conducted with a portable ultrasound machine. During investigation cash of Rs.31,500/- were recovered from Manjit. PNDT Team, Mohali was also joined. Search was

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conducted to apprehend the lady who conducted ultrasound. It was discovered that lady was namely Sarabjeet Kaur @ Sarabjit Kaur. Car used in the occurrence was recovered which is in the name of Onkar Singh. CCTV footage was also checked. Investigation was carried out and ultimately, present FIR was registered.

3. Learned counsel for petitioner in CRM-M-29775-2024 argued that present petitioner was not apprehended on the spot. She is falsely implicated in this case. She is ready to join the investigation and will abide by the terms of bail order.

4. Learned counsel for petitioner in CRM-M-40769-2024 argued that petitioner has no connection with the said occurrence. He is falsely implicated in this case being owner of the car and he being son of Sarabjit Kaur. It is argued that he was not present on the spot on the date of said occurrence. He is ready to join the investigation and will abide by the terms of bail order.

5. Learned counsel representing State filed status report in both the cases and strongly opposed the anticipatory bail applications filed by Sarabjeet Kaur @ Sarabjit Kaur and Onkar Singh. It is argued that there are specific serious allegations against both the petitioners. Both of them are yet to join the investigation and recoveries are yet to be effected. It is further pointed out that Sarabjeet Kaur @ Sarabjit Kaur is involved in similar cases i.e. in FIR No.65 dated 08.04.2018, Police Station City Kharar, District SAS Nagar, FIR No.270 dated 15.09.2023, Police Station City Kharar, SAS Nagar. Considering the gravity of offence, present

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petitioners are not entitled to be released on anticipatory bail.

6. I have considered the arguments and have gone through the record. In this case a team was constituted for conducting raid in which Pardeep employee of Health Department and one decoy namely Sandhya were joined. One of the accused Manjit who was a mediator to tie up with the accused was apprehended on the spot whereas Sarabjeet Kaur @ Sarabjit Kaur as well as the boy driving the car Hyundai Santa FE bearing No.HR-26-BX-4821 managed to escape. Investigation is at initial stage. Car was also recovered. However, money received in this case from time to time is yet to be recovered. Sarabjeet Kaur @ Sarabjit Kaur is required to join the investigation to recover said portable ultrasound machine. Therefore, considering the nature of allegations, I do not find a fit case for grant of anticipatory bail to the petitioners and the same are accordingly declined.

7. Pending miscellaneous application(s), if any, stand disposed of accordingly as well.

03.09.2024

*Sunil Devi***(AMARJOT BHATTI)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No