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IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-31026-2024(O&M)

Date of decision:-24.07.2024

DINESH ALIAS DEV

... Petitioner

Versus

STATE OF HARYANA

... Respondent

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

Present:- Mr. Rakesh Kumar Lathwal, Advocate for the petitioner.

Mr. Surender Singh, AAG, Haryana.

SANJIV BERRY, J.(ORAL)

CRM-28655-2024

1. Application under Section 482 Cr.P.C has been preferred by the petitioner for amendment in the head note, para No.1 and prayer clause of the main petition.

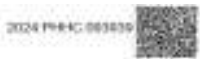
2. Heard.

3. Application is allowed, subject to all just exceptions. Section 210 IPC is added in head note, para No.1 and prayer clause of the main petition.

4. Registry is directed to carryout necessary amendment.

CRM-28656-2024

1. Application under Section 482 Cr.P.C has been preferred for



placing on record bail order of co-accused Sandeep granted vide order dated 03.07.2024 as Annexure P-3.

- 2. Heard.
- 3. Application is allowed, subject to all just exceptions. Copy of the bail order of co-accused Sandeep dated 03.07.2024 passed in CRM-M-12321-2024 is placed on record as Annexure P-3.
- 4. Registry to do the needful.

Main case

- 1. Learned State counsel has filed reply by way of affidavit dated 23.07.2024 of Assistant Commissioner of Police, Mohana, Sonipat. The same is taken on record, copy thereof, has 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	3, 4, 5, 6, 23, 25, 29 of The Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act-1994, Section 419, 420, 120-B, 201, 34 IPC, and Section 3,4 of Medical Termination of Pregnancy Act-1971, Section 34, 54 of National Medical Commission Act, 2019.	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. He contends that even as per the allegations levelled in the FIR, he had not performed any procedure qua determination of the pregnancy but is alleged



to be one of the mediator and has been nominated on the alleged disclosure statement of co-accused Sandeep, who has already been granted concession of bail vide order dated 03.07.2024 passed in CRM-M-12321-2024 (Annexure P-3). He submits that the petitioner is in custody since 27.03.2024, after completion of investigation, challan has been presented in Court wherein prosecution has cited 28 witnesses and none of them has been examined so far. He further submits that it will take sufficient long time for the conclusion of trial and the petitioner is not having any criminal antecedents, as such he prays for grant of concession of regular bail to the petitioner.

4. *Per contra*, learned State counsel, has opposed the bail application by referring to the reply submitted by the State and contended that the petitioner has actively participated in the occurrence, involving the racket for sex determination ran by the all the accused. However, he admits that the petitioner is not facing any other criminal case and also the fact that the challan has been presented by the Police, wherein 28 witnesses have been cited by the prosecution.

5. After considering the submissions made by both the sides and perusing the record, it transpires that admittedly, the petitioner has been nominated in the present case on the basis of disclosure statement made by co-accused Sandeep who has since been granted concession of regular bail vide order dated 03.07.2024 passed in CRM-M-12321-2024 (Annexure P-3). As per the case of the prosecution, the petitioner acted as a mediator between the decoy witness and the co-accused for the purpose of sex determination test. The petitioner was arrested in this case on 27.03.2024 and after



completion of investigation, challan has already been presented in Court wherein, prosecution has cited 28 witnesses and none of them has been examined as of now. The conclusion of trial, 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.

6. 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.

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

(SANJIV BERRY)
JUDGE

24.07.2024
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| i) | Whether speaking/reasoned? | Yes/No |
| ii) | Whether reportable? | Yes/No |