

2024:PHHC:099620



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

Sr. No.212

CRM-M-32924-2023(O&M)
Date of decision : 05.08.2024

Rohit

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Yashveer Kharb, Advocate, for the petitioner.

Mr. Gaurav Bansal, DAG, Haryana.

KIRTI SINGH, J. (Oral)

The jurisdiction of this Court under Section 439 Cr.P.C. has been invoked for grant of regular bail to the petitioner in case FIR No.112 dated 15.02.2023, under Sections 3, 4 & 5 of MTP Act, 1971, Sections 4, 5, 6 & 23 (added later on) of Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 and Sections 420 & 120-B IPC, registered at Police Station Assandh, District Karnal.

2. Learned counsel for the petitioner *inter alia* submits that the petitioner has been falsely implicated in this case and he has not been named in the FIR. He further submits that co-accused Vinod Kumar has been granted the concession the regular bail vide order dated 03.06.2023 (Annexure P2) passed by the learned trial Court. He further submits that the petitioner has undergone actual custody of 04 months and 12 days and is not involved in other criminal case. Thus, the petitioner may be granted the concession of regular bail.

3. *Per contra*, learned State counsel has vehemently opposed the submissions made by the learned counsel for the petitioner. He states that the

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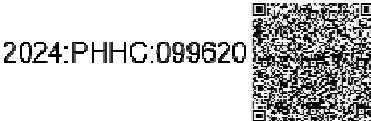
petitioner was actively involved in the commission of the offence. He has filed custody certificate in Court today and the same is taken on record. As per custody certificate, the petitioner has undergone actual custody of 04 months and 12 days and there is no other criminal case registered against him. He, however, submits that in view of the serious allegations against the petitioner, he is not entitled to the concession of regular bail.

4. Heard the rival submissions made by learned counsel for the parties.

5. The veracity of the allegations leveled against the petitioner shall be established during the course of the trial. Admittedly, the petitioner has undergone an actual custody of 04 months and 12 days and is not involved in other criminal case. The co-accused has been granted the concession of regular bail by the trial Court. Therefore, this Court is of the view that further incarceration of the petitioner would not serve any purpose.

6. Without commenting anything on the merits of the case, lest it may prejudice the trial, the present petition is allowed and interim bail granted to the petitioner, vide order dated 14.07.2023 passed by a Coordinate Bench of this Court, is made absolute. The petitioner shall also abide by the following conditions:-

- (I) The petitioner will not tamper with the evidence during the trial.
- (II) The petitioner will not pressurize/intimidate the prosecution witness(s).
- (III) The petitioner will appear before the trial Court on the date fixed, unless personal presence is exempted.



- (IV) The petitioner shall not commit an offence similar to the offence of which he is accused of, or for commission of which he is suspected.
- (V) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.
7. In case of breach of any of the above conditions, the prosecution shall be at liberty to move an application for cancellation of bail before this Court.
8. However, nothing stated above shall be construed as a final expression of opinion on the merits of the case and the trial Court would proceed independently of the observations made in the present case which are only for the purpose of adjudicating the present bail petition.
- Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

05.08.2024
Ramandeep Singh

Whether speaking / reasoned	Yes/No
Whether Reportable	Yes/No