



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

276

CRM-M-33639-2024(O&M)
Date of Decision: 03.09.2024

BALBIR SINGH AND ANOTHER
STATE OF PUNJAB
VERSUS
....Petitioner
....Respondent

CORAM : HON’BLE MRS. JUSTICE MANISHA BATRA

Present : Mr. Rajesh Kumar Kashyap, Advocate for the petitioners.
Ms. Ruchika Sabherwal, Sr. DAG, Punjab.

MANISHA BATRA, J. (Oral)

The present petition has been filed under Section 438 of Cr.P.C.
seeking anticipatory bail in FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
26	09.06.2024	P.S. City Balachaur, District SBS Nagar, Punjab	3, 3-A, 4, 5, 6, 23, 25, 27 & 29 of PNDT (Regulation and Prevention of Misuse) Act 1994 (Section 120-B of IPC added later on)

2. Vide order dated 17.07.2024 passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 17.07.2024 is reproduced as under:-

“The instant petition has been filed by the petitioners under Section 438 Cr.P.C. seeking pre arrest bail in case arising out of FIR No.26 dated 09.06.2024 registered under Sections 3, 3-A, 4, 5, 6, 23, 25, 27 & 29 of the Pre-Natal Diagonstic Techniques (Regulation and Prevention of Misuse) Act, 1994 (Section 120-B of IPC added later on) at Police Station City Balachaur, District SBS Nagar on the basis of complaint lodged by the Senior



Medical Officer, Sub Divisional Hospital, Balachaur by making allegation that sex determination tests were illegally carried out in Mediscope Scan Center, Balachaur. On receipt of an information regarding conducting of sex determination test at Mediscope Scan Centar, Balachaur owned by Dr. Bhupinderjit Singh, M.D. Radiologist, a raid was conducted and accused Raj Kumar was apprehended while conducting the sex determination test on a decoy patient namely, Mehak. On his interrogation, he suffered a disclosure statement and nominated the names of present petitioners who were helping in conducting such tests. Hence, the present FIR has been lodged against the petitioners and co-accused. The investigation is underway. Apprehending their arrest, the present petitioners had moved an application before the Court of learned Additional Sessions Judge, Shaheed Bhagat Singh Nagar, which has been dismissed vide order dated 11.07.2024.

It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. Petitioner No.1 is a Pharmacist and running a chemist shop in Derabassi whereas, petitioner No.2 is a Community Health Worker. Both of them have nothing to do with the Mediscope Scan Centre Balachaur. They were not at the spot. They have been implicated in this case on the basis of disclosure statement of the co-accused. They are ready to join the investigation and their custodial interrogation is not required.

Notice of motion.

Learned State counsel who has appeared on advance notice of the petition, seeks time to file status report in the matter.

Adjourned to 02.09.2024.

In the meantime, the petitioners are directed to appear before the Investigating/Arresting Officer to join investigation within one week or as and when subsequently required thereafter. In the event of their arrest, the Investigating/Arresting Officer



shall release the petitioners on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioners shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”

3. Learned State counsel filed status report dated 01.09.2024. The same is taken on record. He further, on instructions states that the petitioners have joined the investigation on 23.07.2024. Though it is submitted by learned State counsel that custodial interrogation of the petitioners is required for eliciting information about the numbers of tests/abortions and miscarriages which were done in the hospital of co-accused-Dr. Bhupinderjit Singh, however, the same cannot be stated to be ground for not granting the required relief to the petitioners. No useful purpose would be served by detaining them in custody. In view of the said facts but without commenting on the merits of the case, the present petition is allowed and the order dated 17.07.2024 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

08.08.2024
Deepak Patwal

(MANISHA BATRA)
JUDGE

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| 1. | Whether speaking/reasoned | Yes/No |
| 2. | Whether reportable | Yes/No |