



IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

211

CRM-M No.37021 of 2024  
Date of decision: 06.09.2024

DR. BHUPINDERJIT SINGH

.... Petitioner

Versus

STATE OF PUNJAB

.... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present : Mr.Gurnoor Singh Sethi, Advocate for the petitioner.  
Mr. A.S. Samra, A.A.G., Punjab.

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**MANISHA BATRA, J. (oral)**

1. Through the instant petition, filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.26 dated 09.06.2024 registered at Police Station City Balachaur, SBS Nagar under Section 3, 3-A, 4, 5, 6, 23, 25, 27 and 29 of the PreConception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 2003 (Section 120-B has been added later on).

2. Vide order dated 01.08.2024, passed by this Court, the petitioner was released on interim bail and was directed to join investigation. Order dated 01.08.2024, passed by this Court, reads as under:

*“The Instant petition has been filed under Section 438 Cr.P.C for grant of anticipatory bail to the petitioner in case FIR No.26 dated 09.06.2024 registered at Police Station City Balachaur, SBS Nagar under Section 3, 3-A, 4, 5, 6, 23, 25, 27 and 29 of the PreConception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 2003 (Section 120-B has been added later on) on the basis of the complaint lodged by the Senior Medical Officer, Sub Divisional Hospital, Balachaur by making allegation that sex*



*determination tests were carried out in Mediscope Scan Centre, Balachaur. On receipt of an information regarding conducting of sex determination test at Mediscope Scan Centre, Balachaur owned by the petitioner, a raid was conducted and co-accused were apprehended while conducting the sex determination test on a decoy patient namely, Mehak. Hence, the present FIR has been lodged against the petitioner and the co-accused. The investigation is underway. Apprehending his arrest, the present petitioner had moved an application before the Court of Additional Sessions Judge, Shaheed Bhagat Singh Nagar which has been dismissed vide order dated 11.7.2024.*

*It is argued by the learned counsel for the petitioner that he has been falsely implicated in this case. He was not present at the time when the raid was conducted by the team of the Health Department along with the complainant. He has documents on record to show that he was not present at the spot. He was present at Kasauli, Himachal Pradesh at the relevant point of time. Even otherwise, the police authorities cannot take cognizance of the matter and register FIR in this case as per the provisions of Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 2003. The complaint has to be filed by the appropriate authority. He is ready to join the investigation and his 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 06.09.2024.

*In the meantime, the petitioner is directed to appear before the Investigating/Arresting Officer to join investigation within two weeks or as and when subsequently required thereafter. In the event of his arrest, the Investigating/Arresting Officer shall release the petitioner on interim bail on furnishing personal/surety bonds to his/her satisfaction. The petitioner shall also abide by the conditions as envisaged under Section 438(2) Cr.P.C.”*

3. Status report dated 04.09.2024 filed on behalf of respondent-State is taken on record
4. Though, it has been stated by learned State counsel that the petitioner has joined the investigation on 23.08.2024 but recovery of some scanning machine has to be effected from him and therefore, his custodial interrogation is required. However, it is very fairly conceded by him that the said machine is already in custody of SMO, Sub Divisional Hospital, Balachaur. As such no recovery is to be effected from the petitioner.
5. Keeping in view the above mentioned facts and circumstances, without commenting on the merits of the case, the present petition is allowed and the order dated 01.08.2024, 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.

06.09.2024  
Jyoti-IV

(MANISHA BATRA)  
JUDGE

Whether speaking/reasoned: Yes/No.

Whether reportable : Yes/No