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

CRM-M-1665-2025

Date of decision: 15.02.2025

Pardeep Kumar alias Pradeep Kumar

....Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Raghav Bali, Advocate for
Mr. Pankaj Bali, Advocate
for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in case bearing FIR No.448 dated 12.09.2023 under Sections 3/4/5/6/18/23/25/29 of Pre-conception and Pre Natal Diagnostic Techniques Act, 1994, Sections 120-B/420 of IPC and Section 34 of the National Medical Commission Act, 2019 registered at Police Station Yamuna Nagar Sadar, District Yamuna Nagar (Annexure P-1).

On 15.01.2025, the following order was passed:-

'The present petition has been filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail to the petitioner in case bearing FIR No.448 dated 12.09.2023 under Sections 3/4/5/6/18/23/25/29 of Pre-conception and Pre Natal Diagnostic Techniques Act, 1994, Sections 120-B/420 of IPC and Section 34 of the National Medial Commission Act, 2019 registered at Police Station Yamuna Nagar Sadar, District Yamuna Nagar (Annexure P-1).

Learned counsel for the petitioner inter alia contends that the



petitioner is not named in the FIR (supra) and the sanction under Section 28 of the Pre-conception and Pre Natal Diagnostic Techniques Act, 1994 has not been obtained. He further submits that the petitioner is not a Doctor by profession, as such, he is not in a position to conduct the sex determination test and the main accused has already been arrested and custodial interrogation of the petitioner is not required.

Notice of motion.

On the asking of the Court, Ms. Mayuri Lakhanpal Kalia, DAG, Haryana, who is present in Court, accepts notice on behalf of the respondent-State.

In the meantime, keeping in view the law enunciated by the Hon'ble Supreme Court in Satender Kumar Antil Vs. CBI (2022) 10 SCC 51; Siddharam Satlingappa Mhetre Vs. State of Maharashtra and others 2010 SCC OnLine SC 137; Gurbaksh Singh Sibbia etc. Vs. State of Punjab (1980) 2 SCC 565, Arnesh Kumar Vs. State of Bihar (2014) 8 SCC 273 and Sushila Aggarwal Vs. State of NCT Delhi 2020 (1) RCR (Criminal) 833, at the first instance, the petitioner is directed to appear before the Investigating Officer within two weeks from today and on his doing so or in the event of arrest, the petitioner shall be admitted to interim bail on furnishing of bail/surety bond to the satisfaction of the Investigating/Arresting Officer. The petitioner shall cooperate with the Investigating/Arresting Officer and abide by the conditions as provided under Section 482 (2) of BNSS (earlier Section 438 (2) Cr.P.C.).

If the Investigating/Arresting Officer does not permit the petitioner to join the investigation, the petitioner would appear before the Illaqa Magistrate, who would then summon the Investigating/Arresting Officer and direct him to join the petitioner in investigation, in terms of the order of this Court.

Adjourned to 15.02.2025.

Nothing observed hereinabove shall be construed as expression of opinion of this Court on merits of the case and the trial Court shall proceed without being prejudiced by observations of this Court.'

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Learned State counsel on instructions from SI Jai Kumar, at the very outset informs the Court that the petitioner has joined the investigation and his custodial interrogation is not required.

In view of the statement of learned State counsel, order dated 15.01.2025 is hereby made absolute. The petitioner shall abide by the terms and conditions envisaged under Section 482 (2) of BNSS (earlier Section 438(2) Cr.P.C.).

The petition stands disposed of.

(HARPREET SINGH BRAR)
JUDGE

15.02.2025*Neha*

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No