



CRM-M-13379-2025(O&M)

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

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CRM-M-13379-2025(O&M)
Decided on :22.07.2025

Dr. Anant Ram

. . . Petitioner(s)

Versus

State of Haryana

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. Abhishek Sethi, Advocate for the petitioner.

Mr. Sunny Namdev, AAG, Haryana.

SANJAY VASHISTH, J. (Oral)

1. Present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) seeking regular bail in FIR No. 866 dated 14.10.2023, registered under Sections 3, 4(1), 4(2), 4(3), 4(4), 5(2), 6, 18(1), 23, 25, 29 of the Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 (PC & PNDT Act) and Sections 120-B, 201, 34 of the Indian Penal Code, 1860, at Police Station Barwala, District Hisar.

2. Learned counsel for the petitioner has made the following submissions:

(i) He relies upon the judgment dated 28.03.2025 passed by the Hon'ble Supreme Court in SLP (Crl) No.103/2023 (P-20), whereby the Hon'ble Apex Court upheld the decision of the Rajasthan High Court quashing the criminal proceedings initiated under the PC & PNDT Act, holding



that prosecution can be initiated only by way of a complaint filed by the Appropriate Authority as per the procedure prescribed under the Act.

(ii) The investigation in the present case stands concluded, and the final report has been filed before the competent court. Reference is made to Zimni order dated 13.02.2025 (as reproduced in para 2 of the petition). It is submitted that the petitioner was earlier involved in four cases under the PC & PNDT Act. In one, he has been acquitted; in the remaining three, he is already on bail, and rather in one case, the decoy witness has turned hostile. Counsel submits that the petitioner is being victimized repeatedly by the authorities/police.

(iii) The offences in question are triable by the Magistrate, with the maximum punishment prescribed being three years. The petitioner has already remained in custody from 17.12.2024 to 07.05.2025, and was released on interim bail by this Court vide order dated 07.05.2025, on account of death of his son. The interim bail was subsequently extended vide order dated 21.05.2025 on medical grounds.

(iv) In view of the above and the nature of the offences, learned counsel prays that the interim bail granted be confirmed as regular bail.

3. On the other hand, learned State counsel opposes the bail plea and has produced the custody certificate in Court, submitting that the petitioner is a habitual offender and is involved in multiple number cases. However, State counsel is unable to dispute the factual or legal submissions made by the petitioner's counsel.



4. Having considered the rival submissions and on perusal of the record, this Court finds merit in the petition. The petitioner has already been granted interim bail on 07.05.2025, initially on account of the death of his son, and the same was subsequently extended due to health issues. The offences being triable by a Magistrate, with a maximum sentence of three years, and that the trial still pending, there appears to be no compelling reason to send the petitioner back to custody at this stage.

Furthermore, the petitioner's argument—supported by the judgment of the Hon'ble Apex Court—that prosecution under the PC & PNDT Act must be initiated only through a complaint by the Appropriate Authority, and not through FIRs registered by police, raises a substantial legal issue, which cannot be ignored at this stage.

In view of the above, the present petition is allowed. Order dated 07.05.2025 granting interim bail is hereby made absolute. Petitioner shall be admitted to regular bail, subject to his furnishing fresh bail and surety bonds to the satisfaction of the learned Trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

5. It is made clear that the petitioner shall not extend any threat and shall not influence any prosecution witnesses in any manner directly or indirectly.

6. The observation made here-in-above shall not be construed as an expression on the merits of the case and the Trial Court shall decide the case on the basis of evidence available on record.

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7. It is further made clear that if in future petitioner is found indulged in similar kind of activities, prosecution would be at liberty to seek cancellation of bail in the present case.

Petition stands disposed of.

(SANJAY VASHISTH)
JUDGE

22.07.2025*Rashmi**Whether speaking/reasoned:* *Yes/No**Whether Reportable:* *Yes/No*