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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M No.50563 of 2025
Date of Decision: 15.12.2025

Sukhdev Singh ... Petitioner

Versus

State of Haryana ... Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Randeep Singh Dhakla, Advocate,
for the petitioner.

Mr. Neeraj Poswal, AAG, Haryana,
for the respondent-State.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (For short “BNSS”) seeking regular bail in the FIR mentioned below:-

FIR No.	Dated	Police Station	Sections
357	08.06.2025	Thanesar Sadar, District Kurukshetra	23, 3, 3A, 4, 5 and 6 of the Pe-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994 (For short “PNDT Act”) and 318(4) and 61 of the Bharatiya Nyaya Sanhita, 2023 (For short “BNS”)

2. Brief facts relevant for the purpose of disposal of this

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petition are that the aforementioned FIR was registered on the basis of a complaint submitted by the complainant Dr. Rishi, Dental Surgeon, C.H.C. Bubain, Kurukshetra alleging that on the basis of a secret information to the effect that someone was getting illegal sex determination of foetus done in District Kurukshetra thereby affecting the sex ratio, a raiding team was constituted. The team through its decoy member contacted the present petitioner and asked her to get fetal sex test of the decoy person done on 08.06.2025. He demanded a sum of Rs.30,000/- for that. On 08.06.2025, the team reached at the house of decoy customer. It was found that the petitioner along with the doctor who was doing fetal sex determination was reaching at the spot. An amount of Rs.30,000/- was handed over to the decoy customer. The petitioner along with the co-accused Akash reached in front of the park built behind the house of the decoy customer and went inside the house. After about half an hour, the petitioner along with the co-accused came out of the house of decoy and both of them were apprehended by the raiding team. On conducting search, one tablet was recovered from the custody of the co-accused Akash along with one ultrasound probe and a jelly like substance. An amount of Rs.30,000/- as handed over to the decoy was recovered from the right side pocket of the present petitioner. The recovered articles were taken into custody. The petitioner and the co-accused were interrogated and it was revealed that the co-accused had done ultrasound done on the decoy customer and had disclosed that the foetus growing in her womb was male. The investigation now stands completed.

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3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He is in custody since 08.06.2025. The investigation stands concluded. His continued detention would not serve any useful purpose. As per Section 28 of the PNDT Act, no court can take cognizance in the matter except on complaint of the appropriate authority concerned or officer authorized. The allegations against him are vague in nature. He was neither the doctor nor assistant of any doctor and as such, he had no occasion to do any act under the provisions of PNDT Act. A false recovery has been planted upon him. With these broad submissions, it is urged that the petition deserves to be allowed.

4. Per contra, learned Assistant Advocate General, Haryana has argued that there are serious and specific allegations against the petitioner as he in connivance with the co-accused was getting sex determination tests of foetus conducted in the area of District Kurukshetra against the provisions of PNDT Act. The amount of Rs.30,000/- given to him by the decoy customer was recovered from his custody. He is a habitual offender since already two cases of similar nature had been registered against him and are pending. There are chances of his committing similar offences, if extended benefit of bail. It is, therefore, argued that the petition does not deserve to be allowed.

5. This Court has considered the rival submissions.

6. The petitioner is in custody since 08.06.2025. The investigation stands concluded. The trial will obviously take time to conclude. Given the nature of the allegations, no fruitful purpose would be served by keeping the

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petitioner in custody any more. There is no basis for the contention that he would commit similar offences, if extended benefit of bail. His involvement in other cases cannot be considered to be a reason for denying benefit of bail to him. In view of the above made discussions but without meaning to make any comment on the merits of the case lest the same prejudices the case of either of the parties, this Court is of the considered opinion that the petitioner has made out a case for release on bail. Accordingly, the petition is allowed and the petitioner is ordered to be admitted to bail subject to his furnishing personal as well as surety bonds to the satisfaction of learned trial Court/CJM/Duty Magistrate concerned.

15.12.2025
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(MANISHA BATRA)
JUDGE

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