



CRM-M-63815-2025

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

CRM-M-63815-2025

Decided on: 13.11.2025

Avnish Kumar

..... Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Ashish Grewal, Advocate, for the petitioner.

Mr. Sumit Jain, Addl. AG, Haryana.

Rajesh Bhardwaj, J.

1. Prayer in the present petition is for grant of anticipatory bail to the petitioner in a case FIR No.08 dated 04.01.2025, registered under Sections 318(4), 61(2), 91 of BNS, 2023, Sections 4, 5, 6(a), 6(b), 6(c), 18, 23, 25, 27, 29 of PNDT Act and Sections 34 of National Medical Commission Act, at Police Station City Sadar Yamuna Nagar, District Yamuna Nagar.

2. Succinctly facts of the case are that a complaint was presented by Dr.Vipin Goindwal. It was alleged in the complaint that a secret information was received by District Appropriate Authority, Kaithal to the effect that a gang is illegally conducting sex determination test upon pregnant women of Districts Kaithal and Kurukshetra, outside Kaithal at unknown place. Upon this, a team consisting of Dr. Gaurav Punia (Nodal Officer, PNDT, Kaithal) and Dr. Nikhil (Medical Officer, Community Health Centre, Siwan, District Kaithal), was constituted. Thereafter, District Appropriate Authority, constituted a team consisting of Dr.Gaurav Bansal, Dr. Rishi Saini and Dr.Rajiv Kumar and a decoy customer alongwith currency notes amounting to Rs.70,000/- was sent for the purpose of sex



determination of the fetus. Inventory of the currency notes was also prepared and details of the currency notes were noted down. In the process, the decoy customer met Samuel James and Satish, who were working in the hospital in dispute. Money was handed over to Samuel James. Thereafter, the decoy customer alongwith co-accused Seema reached a two storey building, where a man conducted the ultrasound of her fetus. Co-accused Seema and Sushma were also involved in the same. Thus, the FIR in the present case was registered and investigation commenced. During the investigation, complicity of the petitioner, namely, Avnish Kumar was surfaced. He is stated to be the main accused, who conducted the ultrasound for examination of the fetus for the purpose of sex determination. Apprehending arrest, the petitioner approached the Court of learned Additional Sessions Judge, Yamuna Nagar at Jagadhri, for the grant of anticipatory bail. However, learned Court after hearing both the sides, finding no merit in the petition filed by the petitioner, dismissed the same vide order dated 18.10.2025. Hence, aggrieved by the same, the petitioner is before this Court by way of filing the present petition.

3. Learned counsel for the petitioner has vehemently contended that the petitioner has been falsely and frivolously implicated in the present case. He has submitted that from the bare reading of the FIR, it is apparent that neither the petitioner was named in the FIR, not any overt act has been attributed to him. He has submitted that no *prima facie* case as alleged against the petitioner is made out. It is further submitted that co-accused Sushma Rani and Seema have already been granted bail anticipatory bail by this Court. He thus, submits that in the facts and circumstances of the



present case, the petitioner deserves to be granted anticipatory bail.

4. *Per contra*, learned State counsel has vehemently opposed the submissions made by counsel for the petitioner. He has submitted that on receiving the secret information, team was constituted under the PNDT Act. He submits that inventory of currency notes amounting to Rs.70,000/- was prepared and details of those currency notes were noted down and a decoy customer was also sent to the accused. It is submitted that the petitioner is the main accused, who conducted examination of the fetus for the purpose of sex determination. He has further submitted that the investigation is at the initial stage and to recover the portable ultrasound machine, custodial interrogation of the petitioner is required. He, thus, submits that no case for the grant of anticipatory bail to the petitioner is made out.

5. After hearing learned counsel for the parties and perusing the record, it is deciphered that a specific secret information was received regarding offence as alleged. A team was constituted under the PNDT Act. A decoy customer was also sent to the accused alongwith currency notes amounting to Rs.70,000/- (inventory of which was prepared and details were noted down). The petitioner is said to be the main accused, who conducted the illegal sex determination. The portable ultrasound machine is also to be recovered. Role of the petitioner is distinguishable from that of the co-accused, who have been granted anticipatory bail. In the facts and circumstances of the present case, custodial interrogation of the petitioner is required to unravel the truth. Needless to say that the investigation is at threshold.

6. For the consideration of anticipatory bail, the statutory



parameters are given under Section 482 (1) & (2) of BNSS which reads as under:-

482“Direction for grant of bail to person apprehending arrest:

1. *When any person has reason to believe that he may be arrested on an accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section; and that Court may, if it thinks fit, direct that in the event of such arrest, he shall be released on bail.*
2. *When the High Court or the Court of Session makes a direction under sub-section (1), it may include such conditions in such directions in the light of the facts of the particular case, as it may think fit, including-*
 - (i) *a condition that the person shall make himself available for interrogation by a police officer as and when required;*
 - (ii) *a condition that the person shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;*
 - (iii) *a condition that the person shall not leave India without the previous permission of the Court;*
 - (iv) *such other condition as may be imposed under sub-section (3) of section 480, as if the bail were granted under that section.”*

7. Hon'ble Supreme Court in **State represented by CBI Vs. Anil Sharma**, (1997) 7 SCC 187 has held as under:-

“6. We find force in the submission of the CBI that custodial interrogation is qualitatively more elicitation oriented than questioning a suspect who is well ensconced with a favorable order under [Section 438](#) if the code. In a case like this effective interrogation of suspected person is of tremendous advantage in disinterring many useful informations and also materials which would have been concealed. Succession such



interrogation would elude if the suspected person knows that he is well protected and insulted by a pre-arrest bail during the time he interrogated. Very often interrogation in such a condition would reduce to a mere ritual. The argument that the custodial interrogation is fraught with the danger of the person being subjected to third degree methods need not be countenanced, for, such an argument can be advanced by all accused in all criminal cases. The court has to presume that responsible Police Officers would conduct themselves in task of disinterring offences would not conduct themselves as offenders.”

8. Hon’ble Apex Court in plethora of judicial precedents including **Gurbaksh Singh Sibbia Vs. State of Punjab**, AIR 1980 SC 1632, has time and again reiterated that while considering the anticipatory bail the Court is to take into consideration the factors like gravity of offence, chances of accused tampering with the evidence and probabilities of his fleeing from justice etc. The Court should be circumspect about the impact of its decision on the society as well. The anticipatory bail is an extraordinary discretion which should be exercised in the extraordinary circumstances.

9. Weighing the facts of the case on the anvil of the law settled, it is apparent that the complicity of the petitioner has been *prima facie* established. The investigation is at its threshold. Thus, granting anticipatory bail to the petitioner at this stage would scuttle the ongoing investigation.

10. In view of the facts and circumstances of the present case, this Court is of the opinion that the petitioner does not qualify for exercising the extraordinary power by this Court in his favour. Resultantly, the petition

being devoid of any merit is hereby dismissed.

11. Nothing said herein shall be construed as an expression of
opinion on the merits of the case.

13.11.2025			(RAJESH BHARDWAJ)
sharmila			JUDGE
	Whether Speaking/Reasoned	:	Yes/No
	Whether Reportable	:	Yes/No