



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

**CRM-M-24956-2025
Date of decision: 28.05.2025**

SEEMA

...PETITIONER

V/S

STATE OF HARYANA

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Kuldeep Singh, Advocate for the petitioner.

Mr. Vikas Bhardwaj, AAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.08 dated 04.01.2025 under Sections 3, 4, 5, 6(a), 6(b), 6(c), 18, 23, 25, 29 of Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994, Section 34 of National Medical Commission Act, 2019 and Sections 61, 91, 318(4) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Yamuna Nagar Sadar, District Yamuna Nagar.

2. On 08.05.2025, following order was passed:

“Instant petition is preferred under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') seeking anticipatory bail in FIR No.8 dated 04.01.2025 under Sections 3, 4, 5, 6(a), 6(b), 6(c), 18, 23, 25, 29 of Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994, Section 34 of National Medical Commission Act, 2019 and Sections 61, 91, 318(4) of the Bharatiya Nyaya Sanhita, 2023, registered at Police Station Yamuna Nagar Sadar, District Yamuna Nagar.

Learned counsel for the petitioner, inter alia,



contends that the petitioner has been falsely implicated in the present case. She is not in possession, occupation or employee of the clinic, where the alleged pre-natal diagnostic test was conducted. The petitioner is not even a Doctor, Radiologist or Technician. Further, main accused in the present case is one Samuel James and he has already been arrested. It is further contended that similarly situated co-accused of the petitioner, namely Sushma Rani, has already been granted the concession of anticipatory bail by this Court vide order dated 27.03.2025 passed in CRM-M-11114-2025 (Annexure P-2). The petitioner is not involved in any other case and she is having clean antecedents.

Notice of motion for 28.05.2025.

Keeping in view the ratio of 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, the petitioner is directed to appear before Investigating Officer within a period of two weeks from today and thereafter, as directed by the Investigating Officer. In the event of arrest, the petitioner will be admitted to interim anticipatory bail on furnishing bail/surety bonds to the satisfaction of Investigating/Arresting Officer. The petitioner shall cooperate with the investigation/Arresting Officer and abide by the conditions as provided under Section 482(2) of BNSS (erstwhile Section 438(2) of the Code of Criminal Procedure, 1973).

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

Nothing observed hereinabove shall be construed as



an expression of opinion by this Court and learned trial Court shall decide the case on its own merits, strictly in accordance with law.”

3. Learned State counsel, on instructions from SI Lakhwinder Masih, submits that in compliance of order dated 08.05.2025 passed by this Court, the petitioner has joined the investigation and is not required for further custodial interrogation.

4. Keeping in view the statement made by learned State Counsel, the order dated 08.05.2025, is made absolute. The petitioner shall abide by the terms and conditions enumerated in Section 482(2) BNSS, 2023 (*Erstwhile Section 438(2) Cr.P.C.*)

5. The petition is accordingly disposed of.

6. Nothing observed hereinabove shall be construed to be an expression of opinion by this Court lest it may prejudice the trial. The learned trial Court is directed to proceed with the trial on its own merits, strictly in accordance with law.

May 28, 2025
manisha

(HARPREET SINGH BRAR)
JUDGE

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| (i) | Whether speaking/reasoned | Yes/No |
| (ii) | Whether reportable | Yes/No |