IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

222 **CRM-M-49677-2025**
Date of decision : 11.09.2025

Vikram

..... Petitioner

VERSUS

State of Haryana

..... Respondent

CORAM: HON'BLE MR. JUSTICE SURYA PARTAP SINGH

Present: Mr. Ravinder Rana, Advocate for the petitioner.

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SURYA PARTAP SINGH, J.

1. For the commission of offence punishable under Sections 318(4), 319, 61, 238, and 3(5) of the Bharatiya Nyaya Sanhita, 2023 and Sections 3, 4 and 5 of the Medical Termination Pregnancy Act, 1971 and Sections 6(c), 6(b), 5(2), 4(4), 3B, 3A, 3, 26, 25 and 23 of the Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994, the FIR No.185 dated 26.07.2025 has been recorded in Police Station City Jhajjar, District Jhajjar. With regard to commission of abovementioned offence, the petitioner has been arrested. He is in custody since 29.07.2025, and therefore, craving for bail.

2. Notice of motion.

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3. Ms. Deepali Verma, Asst. A.G. Haryana appears on behalf of respondent-State, and waives service. Learned State Counsel has filed custody certificate of the petitioner. The same be taken on record.

4. The FIR pertaining to this case came into being in view of the fact that a raid was conducted by a team constituted by Civil Surgeon, District Jhajjar. According to prosecution story, Dr. Sandeep was head of abovementioned team, and that they deployed a decoy customer to contact the co-accused Hemlata, who was known for arranging sex determination test and thereafter, termination of pregnancy. The allegations against the petitioner are that a decoy customer was deputed by the team and she was transported on two-wheeler by the petitioner to the place, where sex determination test/ultrasound was conducted.

5. Heard.

6. It has been contended by learned counsel for the petitioner that petitioner has been falsely implicated in this case, and that the offence is triable by Magistrate, and that the petitioner has already undergone imprisonment for a period of 1 month and 12 days. According to learned counsel for the petitioner, nothing is left to be recovered from the possession of the petitioner, and the trial is not likely to be concluded in near future and therefore, the petitioner is entitled for bail.

7. *Per contra*, learned State Counsel argues that allegations against the petitioner are that he was actively involved with his mother, namely Hemlata, in the activities of sex determination and illegal

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termination of pregnancy. According to learned State Counsel, main accused, who was responsible for ultrasound, is still at large and if, the petitioner is released on bail he may tamper with the evidence.

8. The record has been perused carefully.

9. A perusal of record shows that in the present case, there are certain relevant aspects which are required to be taken into consideration, before arriving at any decision with regard to present bail application. Those factors are: -

a) that the petitioner is already in custody for a period of 1 month and 12 days;

b) that the offence is triable by Magistrate;

c) that nothing is left to be recovered from the possession of petitioner;

d) that the investigation and trial are not likely to be concluded in near future;

e) that any major role has not been attributed to the petitioner; and

f) that detention of the petitioner in judicial lockup is not likely to serve any purpose.

10. If the cumulative effect of all the abovementioned factors, involved in the instant case, is taken into consideration, it leads to the conclusion that the petitioner is entitled for the benefit of bail.

11. Accordingly, without commenting anything on the merits of the case, the present petition is hereby allowed. Hence, the petitioner is hereby

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admitted to bail subject to his furnishing bail bonds to the satisfaction of learned Area Magistrate/Duty Magistrate.

(SURYA PARTAP SINGH)
JUDGE

SEPTEMBER 11, 2025
Gaurav Thakur

Whether speaking / reasoned Yes/No
Whether Reportable Yes/No

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