

CNR No: HRKHA10006952020

CIS No: CHI/204/2020

State of Haryana Vs. Bheera Ram alias Bheera

:1:

HRKHA1000695-2020



In the Court of Rajvinder Singh, Judicial Magistrate First Class, Guhla,
UID HR 0451

Criminal Case No. RBT/174 of 2021.

Date of Institution: 25.08.2020/02.07.2021

CIS No.CHI/204/2020.

CNR No. HRKHA1000695-2020.

Date of Decision: **04.07.2026.**

State	Versus	Bheera Ram @ Bheera, son of Shera Ram, resident of village Chanchak, Guhla, Kaithal.
-------	--------	--

.....Accused.

FIR No.0035 dated 07.03.2019

Under Section: 420 of IPC

Complaint under Section 3, 3(a), 4,6(c),
23 and 25 of Pre-Conception and Pre-
Natal Diagnostic Techniques (Prohibition
of Sex Selection) Act, 1994 (Complaint
clubbed with FIR vide order dated
10.02.2021)

Police Station: Guhla, Kaithal.

Present: Ms. Upma Ahuja, Ld. A.D.A. for the State assisted by Sh.
Vidyanand, Ld. APP.
Accused on bail represented by Sh. B.K. Kalra and Ms.
Harjinder Kaur, Advocates.

JUDGMENT:

The above-named accused has been sent up to face trial by
SHO, Police Station Guhla, Kaithal for the commission of offence

CNR No: HRKHA10006952020

CIS No: CHI/204/2020

State of Haryana Vs. Bheera Ram alias Bheera

:2:

punishable under Sections 420 of IPC. A complaint under Sections 3, 3A, 4, 6(c), 23 and 25 of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 was also filed by the State of Haryana through Dr. Gaurav Punia. The said complaint was ordered to be attached/clubbed with the present FIR vide order dated 10.02.2021, and both the matters were tried together.

Facts of the Case

2. The brief facts of the prosecution case are that on 07.03.2019, Dr. Gaurav Punia, District Nodal Officer, arrived at Police Station Guhla along with his staff and submitted a complaint. The contents of the complaint are that, under the provisions of the PC-PNDT Act, a team was constituted vide letter No. NHM/2019/537-39 dated 07.03.2019 by the Chairperson, District Appropriate Authority. The team comprised Dr. Gaurav Punia, Nodal Officer PC-PNDT, Dr. Ajit Pal, Medical Officer, Community Health Centre, Guhla, and Shri Narender Kumar, District Programme Manager, Office of the Civil Surgeon. For conducting a decoy operation, two decoys namely Smt. Reena Devi wife of Raj Kumar, resident of Kaithal, and Smt. Paramjit Kaur wife of Shri Jagtar Singh, presently residing at Kaithal, were arranged and their consent letters were obtained. As per the plan, one currency note of Rs.200/- bearing No. 3KW 642419 was provided to the decoy and a copy

thereof was also retained. In pursuance of the plan, the decoys were sent to Village Dera Chanchak, Plot Pir, where accused Beera Ram was found present. When their turn came, accused Beera Ram asked them about their problem. Decoy Reena Devi informed him that she already had two daughters and now wanted a son. Thereupon, accused Beera Ram made her lie down on the ground, placed his hand on her stomach and stated that it would be difficult for her to have a son, but by following the remedy suggested by him, she would definitely bear a male child. In consideration thereof, accused demanded Rs.200/-, which amount was paid by decoy Reena Devi out of the currency note supplied by the Civil Surgeon's office. The accused accepted the amount and kept it in a box.

The accused thereafter handed over a handwritten mantra divided into three parts and instructed that one part be put in water and used for bathing on each of the next three days. He further advised that water from five villages be collected and one slip be swallowed with that water, assuring that a male child would certainly be born. He also instructed the decoy to come again on the following Thursday along with Rs.2,500/-.

After coming out, the decoys gave the pre-arranged signal to the raiding team. On receiving the signal, the team reached the spot and found accused Beera Ram present there. The team disclosed its identity

CNR No: HRKHA10006952020

CIS No: CHI/204/2020

State of Haryana Vs. Bheera Ram alias Bheera

:4:

and asked the accused to offer his search. During the search, the accused produced Rs.200/- from the box in his possession and handed over the same to Shri Narender Kumar, member of the team. The currency note was compared with the copy of note kept by the Civil Surgeon's office and was found to be the same. A recovery memo was prepared and the recovered currency note was converted into a sealed parcel. The same was signed by all members of the team as well as by accused Beera Ram.

Thereafter, the handwritten mantra papers allegedly given by accused Beera Ram to decoy Reena Devi for ensuring the birth of a male child were recovered. A separate recovery memo was prepared and the said papers were converted into a parcel. The parcel was also signed by all members of the team and the accused. Both parcels were sealed with seven seals each bearing impression "GP".

Statements of decoys Reena Devi and Paramjit Kaur were recorded at the spot in accordance with the facts disclosed by them. Statement of accused Beera Ram was also recorded. A spot memo was prepared and the complaint was forwarded to SHO, Police Station Guhla, for taking further action under the PC-PNDT Act. It was further alleged that the accused was misleading and cheating innocent members of the public by claiming that he possessed remedies through which male children could be born, though such claims had no scientific basis.

CNR No: HRKHA10006952020

CIS No: CHI/204/2020

State of Haryana Vs. Bheera Ram alias Bheera

:5:

On the basis of the complaint, FIR was registered as offences under Sections 6, 23 and 25 of the PC-PNDT Act and Section 420 IPC were found to be made out. The investigation was entrusted to SI Jagbir Singh. During investigation, accused Beera Ram joined the investigation and made a disclosure statement to the effect that he used to sit at Dera Chanchak and provide medicines/remedies to women for begetting a male child. He further admitted that on that day two women had come to him, one of whom told him that she had two daughters and desired a son. He stated that he made her lie down on the ground, placed his hand on her stomach, informed her that it would be difficult to have a son but that the remedy suggested by him would ensure the birth of a male child. He further stated that he accepted Rs.200/- from her and kept the amount in a box, handed over a handwritten mantra, instructed her to bathe for three days after putting one part thereof in water each day, advised her to collect water from five villages and swallow one slip with that water, and further asked her to return on the next Thursday with Rs.2,500/-.

The disclosure statement of the accused was reduced into writing and was signed by the accused as well as the witnesses. In pursuance thereof, the accused identified the place of occurrence and a

CNR No: HRKHA10006952020

CIS No: CHI/204/2020

State of Haryana Vs. Bheera Ram alias Bheera

:6:

demarcation/pointing-out memo was prepared separately, which was also signed by the accused and the witnesses.

The accused was thereafter released in compliance with the directions issued by the Hon'ble Supreme Court in Arnesh Kumar versus State of Bihar. During investigation, legal opinion regarding the applicability of offences was obtained from the office of the District Attorney on 18.03.2019 and the same was placed on the file. On completion of investigation and on the basis of statements of witnesses and other evidence collected during investigation, sufficient evidence was found against accused Beera Ram son of Shera Ram, resident of Dera Chanchak. Initially, a challan under Section 420 IPC and Sections 6, 23 and 25 of the PC-PNDT Act was prepared on 10.04.2019, however, on the objection raised by the learned ADA, challan was ultimately prepared only under Section 420 IPC.

Accordingly, final report under Section 173(2) Cr.P.C. was prepared and presented before the Trial Court.

A complaint under Sections 3, 3A, 4, 6(c), 23 and 25 of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994 was also filed by the State of Haryana through Dr. Gaurav Punia. The said complaint was ordered to be attached/clubbed

with the present FIR vide order dated 10.02.2021, and both the matters were tried together.

3. Copy of challan/documents was supplied to the accused free of cost as provided under section 207 of Cr.P.C.

4. The accused was charge-sheeted for the commission of offences punishable under Sections 420 of IPC and Section 25 of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, to which the accused pleaded not guilty and claimed trial.

5. **In order to substantiate the charge, the prosecution examined the following witnesses:--**

a). PW-1 is Shiv Kumar, who deposed that on 07.03.2019, he was posted at Police Station Guhla. On that day, he along with SI Jagbir Singh was present in the police station when Dr. Gaurav Punia, District Nodal Officer, PC-PNDT, Kaithal, submitted a written complaint. On the basis of the said complaint, police proceedings were initiated and a case against accused Beera Ram was registered. He further deposed that thereafter he, along with Dr. Gaurav Punia and the Investigating Officer, proceeded to Dera Chanchak, where the place of occurrence was inspected. Dr. Gaurav Punia produced office order, office note regarding the currency note, consent letters, statements of decoys Reena and

Paramjit Kaur, recovery memo of the currency note, recovery memo of the papers containing mantras for begetting a male child, the recovered currency note and mantra papers, photocopy of Aadhaar Card of Beera Ram Baba, spot memo and sample seal. The Investigating Officer took the said documents into police possession vide memo **Ex.PW1/A**. The witness identified his signatures on the said memo. He further stated that Dr. Ajit Pal, Shri Narender Kumar, District Programme Manager, and accused Beera Ram had also signed the said memo.

He further deposed that Dr. Gaurav Punia identified accused Beera Ram in the police station. Thereafter, SI Jagbir Singh interrogated the accused, and during interrogation the accused suffered a disclosure statement. The accused affixed his thumb impression on the disclosure statement and the witness also signed the same.

He further deposed that in pursuance of the disclosure statement, accused Beera Ram got identified the place of occurrence. A demarcation/pointing-out memo of the place of occurrence was prepared by the Investigating Officer. The accused affixed his thumb impression thereon and he being a witness also signed the same.

b). **PW2** is Jagbir Singh, Retired SI, deposed that on 07.03.2019, he was posted at Police Station Guhla. On that day, Dr. Gaurav Punia, District Nodal Officer, PC-PNDT, Kaithal, submitted a

written complaint **Ex.PW2/A**. On the basis of the said complaint, he recorded police proceedings **Ex.PW2/B** and thereafter registered the formal FIR **Ex. PW2/C**, which bears his signatures. He further deposed that thereafter he visited the place of occurrence and prepared the site plan **Ex.PW2/D** at the instance of Dr. Gaurav Punia. After returning to the police station, Dr. Gaurav Punia produced before him the office order for conduction raid **Ex. PW2/E**, office note for conduction raid **Ex. PW2/F**, consent letters **Ex. PW2/G** and **Ex. PW2/H**, spot memo **Ex. PW2/J**, statement of decoy Reena Devi **Ex.PW2/K**, recovery memo of the currency note **Ex. PW2/L**, recovery memo of the mantra papers **Ex. PW2/M**, statement of Beera Ram **Ex.PW2/N** and photocopy of Aadhaar Card of Beera Ram **Ex. PW2/P**. He took the said documents into police possession vide memo already exhibited as **Ex. P1**. He further stated that the said memo bears the signatures of Dr. Gaurav Punia, Dr. Ajit Pal, Narender Kumar, HC Shiv Kumar and the thumb impression of accused Beera Ram.

He further deposed that on 07.03.2019, accused Beera Ram son of Shera Ram, resident of Dera Chanchak, was arrested in the present case and interrogated. During interrogation, the accused suffered a disclosure statement **Ex. P2**.

He further deposed that in pursuance of the disclosure statement, the accused identified the place of occurrence. Accordingly, demarcation/pointing out memo of the place of occurrence **Ex. P3** was prepared. The accused affixed his thumb impression thereon and the witnesses signed the same. He identified the accused present in court.

The witness further stated that statements of the witnesses were recorded during investigation. After completion of investigation, Inspector Anoop Singh, SHO, prepared the challan and he identified the signatures of Inspector Anoop Singh appearing thereon.

c) **PW3** is Dr. Gaurav Punia, deposed that on 07.03.2019, he was working as Dental Surgeon at CHC Jakholi. On that day, the District Appropriate Authority, Kaithal, issued an order for conducting a raid under the PC-PNDT Act, which is already exhibited as **Ex. PW2/E**. The raiding team comprised Dr. Ajit Pal, Dr. Gaurav Punia and Narender Kumar. For the purpose of the raid, two women namely Reena Devi and Paramjit Kaur were requested to act as decoys in public interest. Both women gave their written consent in the office of the Civil Surgeon, Kaithal, on 07.03.2019. A currency note of Rs.200/- was provided to decoy Reena Devi, the particulars whereof were recorded in the office note already exhibited as **Ex. PW2/F**. Reena Devi signed the said note. Prior to handing over the currency note, consent letters **Ex. PW2/G** and

Ex. PW2/H were obtained from Reena Devi and Paramjit Kaur respectively and were attested by the Civil Surgeon, Kaithal. The witness further deposed that the raiding plan was explained to both women. At about 11:30 A.M., the team along with Reena Devi and Paramjit Kaur proceeded towards Village Chanchak. After about one hour, they reached near the house of accused Beera Ram. Both women got down from the private vehicle and went to the house of accused Beera Ram, whereas the raiding team waited at some distance.

After about one and a half to two hours, when the turn of the decoys came, they informed accused Beera Ram that they desired a male child as they already had two daughters. Thereupon, accused Beera Ram rubbed his hand over the stomach of decoy and stated that it would be difficult for her to have a son, but he could suggest a remedy by which she would be blessed with a male child. Thereafter, the accused demanded Rs.200/-. The witness further deposed that after receiving the amount, accused Beera Ram handed over three handwritten slips containing a mantra to the decoy. The accused instructed that one slip be put in water each day for three consecutive days and that the woman should bathe with such water. He further instructed that one slip be consumed with water collected from five villages. The accused also directed the decoy to come again on the following Thursday along with

Rs.2,500/-. Thereafter, Reena Devi came out and gave the pre-arranged signal to the raiding team. On receiving the signal, the team reached the spot, introduced themselves to accused Beera Ram and disclosed the purpose of their visit. On being asked, accused Beera Ram produced the currency note of Rs.200/- from a box kept with him and handed it over to Narender Kumar. The same was compared with the office note **Ex. PW2/F** and was found to be the same currency note. The witness further deposed that statements of Reena Devi and Paramjit Kaur were recorded at the spot, which are already exhibited as **Ex. PW2/K**. A spot memo **Ex. PW2/J** was prepared. Recovery memo regarding the currency note of Rs.200/- was prepared, which is **Ex. PW2/L**. Another recovery memo regarding the mantra slips was prepared, which is **Ex. PW2/M**. Statement of accused Beera Ram was also recorded by Kashmir Lal, brother-in-law of the accused. The accused affixed his thumb impression on the same, which is **Ex. PW2/N**. The accused also produced a photocopy of his Aadhaar Card, which is **Ex. PW2/P**. The witness identified his signatures on all the aforesaid documents. The witness further deposed that the case property parcel **Ex. MO-1** was produced in Court in an intact condition. Upon permission of the Court, the parcel was opened. The mantra slips recovered from the accused and handed over to the decoy at the spot had been separately converted into a parcel and sealed with seven seals

bearing impression "GP". Upon opening the parcel, four slips were found inside containing writings and mantras. The same were exhibited as **Ex.MO/2 to Ex. MO/4**. The witness further deposed that another parcel containing the recovered currency note of Rs.200/- had also been separately prepared at the spot and sealed with seven seals bearing impression "GP". Upon opening the parcel, the currency note of Rs.200/- bearing No. 3HW642419 was taken out and exhibited as Ex. MO/5. The witness further stated that thereafter he submitted an application Ex. **PW3/A** to the SHO, Police Station Guhla, which bears his signatures at point 'A'. Along with the said application, he submitted the office order Ex. PW2/E, office note Ex. PW2/F, consent letters Ex. PW2/G and Ex. PW2/H, spot memo Ex. PW2/J, statement of decoy Ex. PW2/K, recovery memos Ex. PW2/L and Ex. PW2/M, statement of Beera Ram Ex. PW2/N, Aadhaar Card Ex. PW2/P, two parcels and two sample seals Ex. MO-6 and Ex. MO-7. He further deposed that vide authority letter Ex. PW3/A dated 10.07.2020, he was authorized by the District Appropriate Authority. Pursuant thereto, on 21.08.2020, he filed complaint Ex. PW3/B before the learned Illaqa Magistrate, which bears his signatures at point 'A'. Along with the complaint, list of documents Ex. PW3/C and list of witnesses Ex. PW3/D were also filed. The office order Ex. PW2/E and the documents Ex. PW2/F to Ex. PW2/N were attached with the

complaint. The witness identified accused Beera Ram present in Court as the same person against whom the raid had been conducted.

d) **PW4** is Narender Kumar, deposed that on 07.03.2019, while he was working in the Civil Surgeon Department, Kaithal, a team comprising Dr. Gaurav Punia, Dr. Ajit Pal and himself was constituted for conducting a raid. The office order dated 07.03.2019 is already exhibited as **Ex. PW2/E**. He further deposed that two women, namely Reena Devi and Paramjit Kaur, were selected as decoys. Their written consent letters, **Ex. PW2/G** and **Ex. PW2/H** respectively, were obtained in the office of the Civil Surgeon and were attested by the Civil Surgeon. Thereafter, a currency note of Rs.200/- was handed over to decoy Reena Devi, acknowledgment whereof was recorded in the office note **Ex. PW2/F**. The decoys were duly briefed regarding the manner in which the raid was to be conducted and the role to be performed by them. He further deposed that at about 11:30 A.M., all the members of the team left the office of the Civil Surgeon and reached the dera/house of accused Beera Ram at Village Chanchak at about 1:00 P.M. Thereafter, Reena Devi and Paramjit Kaur entered the premises of the accused. According to the witness, when their turn came, accused Beera Ram rubbed the stomach of Reena Devi and told her that it would be difficult for her to have a male child, but that he would try to help her. The accused demanded Rs.200/-

from her and handed over three slips containing a mantra. He instructed her to put one slip in water and bathe with it and further advised her to bring water collected from five villages and consume it along with the slips. **The said slips are Ex. MO-1 to Ex. MO-4.** The accused also directed Reena Devi to come again on the next Thursday and bring Rs.2,500/- with her. The witness further deposed that after some time Reena Devi came out and gave the pre-arranged signal. Upon receiving the signal, the raiding team entered the premises. The team disclosed its identity to accused Beera Ram and asked him to offer his search. Thereupon, accused Beera Ram produced the currency note of Rs.200/- from a box in his possession and handed it over to him. The currency note was compared with the particulars recorded in office note **Ex. PW2/F** and was found to be the same note. The witness further stated that a joint statement of Reena Devi and Paramjit Kaur was recorded, which is Ex. PW2/K and bears their signatures. The same was attested by the members of the raiding team. He further deposed that statement of accused Beera Ram was recorded by Kashmir Lal, a relative of the accused, as per the version furnished by the accused. The said statement is Ex. PW2/N. The accused affixed his thumb impression thereon and the same was attested by the members of the raiding team. Kashmir Lal also signed the said statement. The witness further stated that a spot memo

Ex. PW2/J was prepared at the spot, on which the accused affixed his thumb impression and the members of the raiding team signed. Recovery memo regarding the currency note of Rs.200/-, Ex. PW2/L, was prepared and the currency note was converted into a parcel sealed with seal impression "GP". The recovered currency note is Ex. MO-5. Similarly, the mantra slips were taken into possession vide recovery memo Ex. PW2/M. The said slips are Ex. MO-1 to Ex. MO-4. Two sample seals, Ex. MO-6 and Ex. MO-7, were also prepared. A photocopy of the Aadhaar Card of accused Beera Ram was taken into possession, which is Ex. PW2/P. The witness further deposed that thereafter they went to Police Station Guhla where Dr. Gaurav Punia submitted a complaint Ex. PW2/A to the SHO. Along with the complaint, the office order regarding constitution of the team, office note regarding the currency note, consent letters, statements of the decoys, identity proof, sample seals and spot memo were also submitted. He further deposed that subsequently a complaint was filed before the learned Court and all the aforesaid documents were annexed therewith. The originals of the documents exhibited as Ex. PW2/E to Ex. PW2/N were attached with the complaint. He identified his signatures on the said documents. The witness identified accused Beera Ram present in Court as the same person against whom

the proceedings had been conducted. He also identified the case property produced before the Court.

e) **PW5** is Paramjeet Kaur (wrongly mentioned as PW4), she did not support prosecution case and was declared hostile.

f) **PW6** is Reena Devi ((wrongly mentioned as PW5), deposed that on 07.03.2019, she received a telephone call from the office of the Civil Surgeon directing her to come to the Civil Surgeon's office. Upon reaching there, she was informed about the proposed raid and her role therein. Thereafter, she gave her written consent, which is Ex. PW2/G, and identified her signatures thereon. She further stated that Paramjit Kaur also furnished her written consent, Ex. PW2/H, and she identified the signatures of Paramjit Kaur thereon, which were appended in her presence. The witness further deposed that, in accordance with the plan, she was given a currency note of Rs.200/- by the raiding team. She signed the receipt regarding the said currency note, the details whereof were recorded in the office note Ex. PW2/F. She identified her signatures at the relevant point thereon. She further stated that thereafter she, along with the team, travelled in a vehicle to Dera Chanchak, Plot Pir. At the said place, they met Baba Beera Ram. The accused called her and enquired about her problem. She informed him that she already had two daughters and desired a son. Thereupon, Baba Beera Ram made her lie

down on the ground and placed his hand on her stomach. He told her that it would be difficult for her to have a son, but by following the remedy suggested by him, she would be blessed with a male child. He further instructed her to come again on the following Thursday along with Rs.2,500/- and assured her that she would definitely beget a son. The witness further deposed that accused Beera Ram handed over three handwritten mantra slips to her. He instructed her to put one slip in water and bathe with it for three days. He further directed her to collect water from five villages and mix one slip therein. Thereafter, the accused demanded Rs.200/- from her. She paid him the same amount which had been provided to her by the office. The accused accepted the money and kept it in a box lying near him. She further stated that thereafter she and Paramjit Kaur came out and gave the pre-arranged signal to the raiding team. On receiving the signal, the team reached the spot, disclosed its identity to accused Beera Ram and asked him to offer his search. Thereupon, the accused produced the currency note of Rs.200/- from the box and handed it over to the members of the team. The witness further deposed that the team prepared the recovery memo Ex. PW2/L regarding the recovered currency note. A separate parcel and recovery memo Ex. PW2/M were also prepared regarding the slips handed over by the accused. The sample parcels and seals are from Ex. MO-1 to Ex. MO-7.

She identified her signatures on the relevant documents and parcels. She further stated that thereafter she, Paramjit Kaur and accused Beera Ram made their respective statements. The joint statement of herself and Paramjit Kaur is Ex. PW2/K. She identified her own signatures as well as the signatures of Paramjit Kaur thereon and stated that Paramjit Kaur had signed the same in her presence. The statement of accused Beera Ram, Ex. PW2/N, was also recorded in her presence. The witness further deposed that her statement was recorded by the police at the police station. Thereafter, they left the place. The witness identified accused Beera Ram present in Court as the same person.

f) **PW7** is Rajesh Kumar, Block Extension Education, ((wrongly mentioned as PW6), deposed that he had brought the office dispatch register with him. He stated that the dispatch register contains entry No. 537-39 dated 07.03.2019 pertaining to the authority letter already exhibited as Ex.PW2/E. The relevant extract of the dispatch register is Ex. PW6/A. He further deposed that he could identify the signatures appearing at Point 'A' of the said document as those of the then Civil Surgeon, Kaithal, Dr. Surender. He also identified the signatures at Point 'B' as those of the then District Attorney, Shri N.D. Bishnoi, and the signatures at Point 'C' as those of Smt. Renu Pasricha, the then Project Officer. The witness further stated that he had seen the

authority letter already exhibited as Ex. PW3/A. He identified the signatures appearing at Point 'A' thereon as those of the then Civil Surgeon, Shri Jai Bhagwan, the signatures at Point 'B' as those of Usha Mital, the then CDS, and the signatures at Point 'C' as those of the then District Attorney, Shri Inderdeep Mohan.

6. Learned PP for the State closed the prosecution evidence vide his statement recorded on 01.05.2026.

7. Thereafter, the accused was examined under Section 313 of the Cr.P.C. and he denied all the allegations levelled against him. He opted to lead defence evidence but no witness was produced, and the defence evidence was accordingly closed on his statement.

8. Ld. PP for the State has vehemently argued that on the basis of the aforementioned evidence, the guilt of the accused had been proved beyond reasonable doubt and has, hence, prayed that the accused should be convicted under the offences, he was charged with. While the Ld. counsel for the accused has refuted the arguments put forth by the Ld. PP and has stated that the prosecution has miserably failed to bring any evidence on record to prove beyond reasonable doubt that the accused had committed any offence.

9. I have heard the learned Public Prosecutor for the State and the learned defense counsel for the accused.

10. After carefully considering the arguments advanced, the evidence on record, and the relevant legal provisions, the following points arise for determination in the present case:

(A) Whether the prosecution has proved beyond reasonable doubt that the accused cheated the general public by dishonestly inducing them to deliver money on the false representation that he could ensure the birth of a male child through mantras and rituals, thereby committing an offence punishable under Section 420 of the Indian Penal Code?

(B) Whether the prosecution has further proved beyond reasonable doubt that the accused committed any contravention of the provisions of the **Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994** or the Rules framed thereunder, thereby rendering himself liable to be punished under **Section 25 of the said Act**?

Points for Determination (A):-

FOR OFFENCE UNDER SECTION 420 IPC

11. Section 420 IPC deals with cheating and dishonestly inducing delivery of property. This is an aggravated form of cheating that requires: (i) cheating as defined in Section 415 IPC; (ii) dishonest inducement to deliver any property or make, alter, or destroy any

valuable security; (iii) the inducement must be both fraudulent and dishonest.

12. In the present case, the entire prosecution case rests upon a **single decoy operation** conducted by the officials of the Civil Surgeon Department. The prosecution has not examined a single independent member/person of the general public who had allegedly approached the accused, believed his representations, or paid any money to him. No complaint from any member of the general public alleging that he or she had been cheated by the accused has been brought on record. There is also no evidence of any previous transaction or any other victim having suffered wrongful loss or the accused having obtained wrongful gain by practising deception upon the public at large.

13. The prosecution case itself, as reflected from the office order constituting the raiding team **Ex. PW2/E**, the office note regarding the pre-marked currency note **Ex. PW2/F**, the consent letters of the decoy witnesses **Ex. PW2/G and Ex. PW2/H**, and the complaint submitted by Dr. Gaurav Punia **Ex. PW2/A**, clearly establishes that the entire operation was pre-planned by the authorities. The evidence on record further reveals that the amount of ₹200/- allegedly recovered from the accused was not paid by any ordinary member of the public acting upon his own volition. Rather, the said currency note was supplied by the raiding party

after recording its serial number in the office note **Ex. PW2/F** and was handed over to decoy witness Reena Devi solely for the purpose of conducting the raid. The recovery of the said currency note was effected vide recovery memo **Ex. PW2/L**. Thus, the payment was made pursuant to a pre-arranged official operation and not as a consequence of any independent deception practised upon a member of the general public. The prosecution complaint **Ex. PW2/A**, private complaint **Ex. PW3/A**, the statement of the decoy witnesses **Ex. PW2/K**, and even the statement allegedly made by the accused **Ex. PW2/N**, do not disclose the name of any independent member of the public who claimed to have been cheated by the accused.

14. It is significant to note that the decoy witness Reena Devi (PW6) was fully aware of the purpose of the operation. Her testimony, read along with the consent letter **Ex. PW2/G**, the office note **Ex. PW2/F**, and her statement **Ex. PW2/K**, clearly establishes that she acted strictly in accordance with the instructions of the raiding team. She was neither the victim nor a person who voluntarily acted upon the alleged representation of the accused.

15. The essential ingredient of the offence under Section 420 IPC is dishonest inducement resulting in voluntary delivery of property by the person deceived. In the present case, the payment of ₹200/-, as

reflected in **Ex. PW2/F** and recovered vide **Ex. PW2/L**, was made as part of a pre-planned decoy operation arranged by the authorities and not by any member of the general public acting upon the alleged representation of the accused. Therefore, the prosecution has failed to prove the essential ingredient of dishonest inducement contemplated under Section 420 IPC.

Point Of Determination (B)**Section 25 of Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994**

16. The prosecution has alleged that the accused claimed that by providing mantra slips and prescribing certain rituals he could ensure the birth of a male child. However, no evidence has been led to show that the accused was operating a Genetic Counselling Centre, Genetic Clinic, Genetic Laboratory, Ultrasound Clinic or Imaging Centre, or that he conducted or attempted to conduct any pre-conception or pre-natal diagnostic technique or any sex selection procedure prohibited under the Act.

17. The prosecution has alleged that the accused assured the decoy witness that she would be blessed with a male child after following the rituals and mantra slips supplied by him and thereby contravened the provisions of the PCPNDT Act. However, the entire prosecution case

rests substantially upon the testimony of the official witnesses, namely PW3 Dr. Gaurav Punia and PW4 Narender Kumar, along with the testimony of decoy witness Reena Devi (PW6). No independent evidence has been adduced to establish that the accused was actually engaged in any activity prohibited under the provisions of the PCPNDT Act. The prosecution has neither examined any member of the general public who had allegedly approached the accused for such purpose nor produced any evidence to show that the accused had been carrying on such activity on earlier occasions.

18. Furthermore, although the alleged occurrence is stated to have taken place at the dera of the accused situated in a village, the prosecution did not associate any independent person from the locality either during the raid or at the time of preparation of the recovery memos. No explanation has been furnished for such omission. Though non-joining of independent witnesses is not by itself fatal in every case, where the prosecution case is founded entirely upon a planned decoy operation conducted by official witnesses, the absence of independent corroboration assumes considerable significance while appreciating the evidence.

19. In the present case, the prosecution had cited two decoy witnesses, namely **Paramjit Kaur (PW5)** and **Reena Devi (PW6)**, to

establish the alleged transaction between the accused and the decoy witness. It is pertinent to note that **PW5 Paramjit Kaur**, who was an important witness to the alleged decoy operation, did not support the prosecution case. During her examination-in-chief, she categorically stated that she did not know anything about the present case and denied the prosecution story. Consequently, she was declared hostile at the request of the learned **Public** Prosecutor. Even during her cross-examination by the learned **Public** Prosecutor, she specifically denied having executed the consent letter **Ex. PW2/H** and refuted the suggestions put to her by the prosecution. Thus, one of the two decoy witnesses has completely disowned the prosecution version and has not supported the alleged decoy proceedings.

20. It has come on record through the testimony of **PW3 Dr. Gaurav Punia**, **PW4 Narender Kumar** and **PW6 Reena Devi** that after the alleged recovery of the currency note and mantra slips, recovery memos **Ex. PW2/L** and **Ex. PW2/M** were prepared at the spot. The prosecution has also relied upon the said documents during the trial. However, the prosecution has failed to produce any evidence to show that copies of the seizure/recovery memos prepared at the spot were supplied to the accused in compliance with the mandatory provisions of **Section 30 of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of**

Sex Selection) Act, 1994 read with Rule 12 of the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Rules, 1996. There is no endorsement on the recovery memos acknowledging receipt by the accused, nor has any witness deposed that copies thereof were furnished to him at the spot. The mandatory procedural safeguard prescribed under the Act and the Rules has, therefore, not been shown to have been complied with. Reliance in this regard placed on case law titled **Dr. Anil Bansal Vs. The District Appropriate Authority, Gurugram, CRM-M-18417-2018, DOD 24.02.2020.**

21. In a criminal case mere suspicion however, strong cannot take the place of proof. Between what may be true and what must be true, there is inevitably a long distance to travel and whole of this distance must be covered by the prosecution by legal, reliable and unimpeachable evidence before an accused can be convicted. Such a distance has not been covered by the prosecution in the present case. It has been laid down by the Hon'ble Supreme Court of India in ***Harijana Thirupala & Ors. Vs. Public Prosecutor, High Court of A.P., Hyderabad 2002 (2) Apex Court Judgments 161 (S.C.)*** that an accused is presumed to be innocent unless such a presumption is rebutted by the prosecution. Further, if two views are possible one indicating to the guilt of the accused and the other to his innocence, the view favourable to the accused is to be accepted.

CNR No: HRKHA10006952020

CIS No: CHI/204/2020

State of Haryana Vs. Bheera Ram alias Bheera

:28:

22. In view of the aforesaid discussion, court comes at conclusion that the prosecution has failed to prove its case against the accused person beyond reasonable doubt. Therefore the accused namely **Bheera Ram @ Bheera** present in the court stands **acquitted** of the charges framed against him in the present case. His bail/surety bonds stands discharged. Case property, if any, be disposed of as per rules. File be consigned to the record room after due compliance.

Announced in open court:
04.07.2026

(Rajvinder Singh)
Judicial Magistrate First Class,
Guhla, 04.07.2026
UID HR0451

Certified that all pages of this judgment have been checked and signed by me. All cuttings/over writings have been initialed by me.

(Rajvinder Singh)
Judicial Magistrate First Class,
Guhla, 04.07.2026
UID HR0451

Renu, Stenographer Gr.II