

**IN THE COURT OF VIKRANT KUMAR,
ADDITIONAL SESSIONS JUDGE,
MOGA (UID No.PB00213).**

CNR No.PBMO010043712022

CIS Filing No.BA/1713/2022.

Date of order : 8.08.2022.

State Versus Pawan Singh son of Kagrak Singh, resident of
Village Kokri Kalan, Tehsil and District Moga

----Applicant-accused

FIR No.141 dated 28.06.2022.

Under Sections : 420,120-B,34 IPC and 4(4), 5(2)
and 6(c) of Pre-Natal Diagnostic Techniques
(Regulation and Prevention of Misuse) Act, 1995
Police Station : City Moga.

Bail Application under Section 439 Cr.P.C.

Present :- Shri Anshuman Syal, Additional Public Prosecutor for State.
Shri Ranjit Singh Dhaliwal, Advocate for accused-applicant
Pawan Singh.

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ORDER

The brief facts of the case, which require consideration for disposal of the present bail application are that present FIR has been lodged on the basis of letter bearing No.PNDT/2022/1279 written by Chairman-cum-Civil Surgeon, District Appropriate Authority, Moga addressed to SHO of Police Station City Moga regarding violation of 4(4), 5(2) and 6(c) of Pre-Natal Diagnostic Techniques (Regulation & Prevention of Misuse) Act, 1995. It is alleged that on 27.06.2022, Civil Surgeon, Sirsa received information about illegal Pre-Natal Diagnostic. Then Civil Surgeon, Sirsa searched a pregnant woman and agreed her to act as bogus customer to get sex determination. Thereafter a team was consisting of Dr.Deepak Kumar, Nodal Officer, PNDT Sirsa and Dr.Avtar Singh, Medical Officer, Primary Health Centre, Darba Kalan (Sirsa) was constituted and PNDT team was requisitioned from Civil Surgeon, Hisar. PNDT team included Dr.Prabhu Dayal, Nodal Officer, PNDT; Dr.Kaamid Monga, SMO, Civil Surgeon, Hansi; Ankit, Assistant, Circle Health Centre, Uklana and Ajay, Data Entry Operator, PNDT, Hisar. As per instructions of Mandeep Kaur and Pawan Singh, both teams reached Moga.

2. Mandeep Kaur and Pawan Kumar demanded Rs.50,000/- for

getting sex determination, and Rs.10,000/- were transferred in the account of Pawan Kumar by way of Google Pay and remaining Rs.40,000/- were to be given after ultrasound. Then Mandeep Kaur and Pawan Singh called bogus customer Kanchan @ Seema to Bus Stand, Moga. While travelling in white colored Verna car bearing No.DL-2CAM-9197, Mandeep Kaur and Pawan Singh reached Bus Stand Moga. At about 1.45 p.m., they took pregnant woman and her companion from Bus Stand. Then they reached Kataria Hospital for getting slip of ultrasound from Dr.Pankaj, who without inspecting the patient, issued the slip as he knows Pawan Singh. Thereafter, all of them sit in the car and Mandeep Kaur took Rs.40,000/- from Kanchan @ Seema and put it in a dash board of the car. At about 2.30 p.m., all of them reached Savera Hospital, Landeke and told that in this hospital, sex determination test of Kanchan @ Seema is to be conducted. Pawan Singh got issue slip of ultrasound after paying Rs.600/- and disclosed that at about 5.00 p.m., Doctor will take her ultrasound. All the ladies sit in the Canteen. After getting ultrasound, Mandeep Kaur called Pawan Singh and send him ultrasound report on Whatsapp. Pawan Singh telephonically informed Mandeep Kaur and secret informer about male fetus and demanded felicitation. At about 6.30 p.m., Pawan Singh reached the hospital. During this period, PNDT, Moga team was also associated. All three teams apprehended Mandeep Kaur and Pawan Singh from the gate of Savera Hospital, but Amandeep, who was friend of Pawan Singh and was driving the car fled away from the spot. All three teams took the brokers Pawan Singh and Mandeep Kaur inside Savera Hospital and recovered currency notes of Rs.38,500/-, which matched the serial numbers of Sirsa team. Team also recovered I-Phone 11 Pro of Pawan Singh and Samsung A70 of Mandeep Kaur. Ultrasound machine of Dr.Pardeep Kumar was checked and record was scrutinized. Teams recorded the statements of pregnant women (Kanchan @ Seema), Mandeep Kaur, Pawan Singh and Dr.Pardeep Kumar. Various memos were prepared and it was recommended for registration of FIR under Sections 420,120-B,34 IPC and 4(4), 5(2) and 6(c) of Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1995. Accordingly, FIR was registered. Accused-applicant was arrested from the spot. Thus, present bail application has been filed.

3. I have heard learned counsel for the applicant-accused as well as learned Additional Public Prosecutor for the State.

4. From perusal of record, it transpires that there are allegations against accused-applicant that he in criminal conspiracy with co-accused used to get sex determination test of pregnant womens after receiving hefty amounts. The present FIR has been lodged against Mandeep Kaur and Pawan Singh. Mandeep Kaur and Pawan Singh were taken to Savera Hospital. FIR was not lodged against the Doctor, who conducted ultrasound for the best reasons known to the police. The contention of learned Additional Public Prosecutor that Doctor, who conducted ultrasound did not check the gender of the fetus and Pawan Singh and Mandeep Kaur told the pregnant lady and her companion about the gender without any basis. The accused-applicant is in custody since 27.06.2022. Nothing is to be recovered from her. Thus, no useful purpose will be served by detaining the applicant-accused in custody. Presentation of challan & conclusion thereof will take considerable time. Co-accused Mandeep Kaur has already been granted concession of regular bail. Thus, Principle of Parity applies in the present case. As such, bail application filed by accused-applicant Pawan Singh is allowed and he is ordered to be released on bail on his furnishing bail bonds to the satisfaction of learned Illaqa/Duty Magistrate. Copy of this order be sent to learned Illaqa Magistrate. File be consigned to the record room.

Pronounced.
Dated :- 8.08.2022.

Jagjit Singh Panesar, Stenographer-I

(Vikrant Kumar)
Additional Sessions Judge,
Moga (UID No.PB00213).