

CRM-M-12453-2016 (O&M)

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

**CRM-M-12453-2016 (O&M).
Decided on: April 21, 2016.**

Anil Kumar

..... Petitioner(s)

Versus

State of Haryana

..... Respondent(s)

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.A.P.S.Deol, Sr. Advocate, with
Mr.Vishal Rattan Lamba, Advocate,
for the petitioner.**

Mr.G.S.Salwara, DAG, Haryana.

M.M.S. BEDI, J (ORAL).

Petitioner apprehends arrest in a case under Sections 4 and 5 of the Medical Termination of Pregnancy Act, 1971, registered at the instance of Deputy Civil Surgeon on the basis of information which was received by the complainant regarding illegal termination of foetus. A raid having been conducted at hotel Parth, aborted foetus was recovered. Krishan Kumar and Meenu co-accused seem to have been arrested. Petitioner has been involved in the case on the basis of disclosure statement of Krishan Kumar and Meenu to the effect that the petitioner had conducted abortion of Meenu.

Counsel for the petitioner submits that the petitioner has been falsely implicated in the case and that no criminality can be attributed to the petitioner as it is a case of abortion by pills administered orally and through vaginal canal.

Counsel for the petitioner also submits that the role attributed to the petitioner would certainly be a debatable issue during the course of trial.

I have heard the counsel for the petitioner and gone through the police file. A perusal of the police file indicates that the raid was conducted by a team of Doctors. Statements of Dr. Sarvjit Singh and Dr. Shivangi Prashar, have been recorded under Section 161 Cr.P.C. It will be pre-mature to express any opinion whether the statements of accomplice Krishan Kumar and Meenu deserve to be rejected solely on the ground that it is inadmissible in evidence. Their statements in case ultimately corroborated by the other evidence would certainly be relevant and admissible in evidence. A perusal of the police file indicates that age of foetus was about 7 months.

Taking into consideration the fact that the petitioner does not hold any professional degree of MBBS and he has allegedly indulged in an act which could have endangered the life of co-accused Meenu, no extra ordinary exceptional circumstances exist for the grant of pre-arrest bail to the petitioner.

The petition is dismissed.

Nothing said in this order will prejudice the right of

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the petitioner to seek concession of regular bail in accordance with law by surrendering in the Court of Illaqua Magistrate or before the Investigating Officer.

April 21, 2016.
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(M.M.S. BEDI)
JUDGE