

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.M-10275 of 2017

.....

Date of decision:5.4.2017

Dr. Kavita Yadav

...Petitioner

v.

State of Haryana

...Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

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Present: Mr. Rakesh Nehra, Advocate for the petitioner.

Mr. B.S. Virk, Deputy Advocate General, Haryana
for the respondent-State.

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Inderjit Singh, J.

This petition has been filed under Section 438 Cr.P.C. for the grant of anticipatory bail in case FIR No.94 dated 28.2.2017 registered for the offences under Sections 3, 4 and 5 of Medical Termination of Pregnancy Act, 1971 at Police Station Rajendra Park, Gurugram, District Gurugram.

Notice of motion to Advocate General, Haryana.

On the asking of the Court, Mr. B.S. Virk, learned Deputy Advocate General, Haryana has put in appearance on behalf of the respondent-State and accepted notice and contested this petition.

I have heard learned counsel for the petitioner and learned Deputy Advocate General, Haryana appearing for the respondent-State and have gone through the record.

From the record, I find that though the present petitioner is named in the FIR and there is allegation that Dr. Kavita Yadav-present petitioner in the presence of Smt. Raj Rani asked Jyoti Bharti to get the abortion done next day for ₹30,000/-. The raid was conducted. At that time, the present petitioner was not present. As per the allegations, Jyoti Bharti took ₹30,000/- and asked Smt. Jaspreet Kaur to check the pregnant lady etc.

Keeping in view the above facts, I find that the present petitioner was neither present at the time of pregnancy test etc. nor money was paid to her. In these circumstances, I find that the petitioner is not required for custodial interrogation and no useful purpose will be served by sending her to custody.

Therefore, in the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I accept this criminal miscellaneous petition and in the event of arrest, the petitioner shall be admitted to bail on her furnishing personal bonds and surety to the satisfaction of the Arresting/Investigating Officer. The petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions of Section 438 (2) Cr.P.C.

April 5, 2017.

(Inderjit Singh)
Judge

hsp

NOTE:	Whether speaking/reasoned:	Yes
	Whether reportable:	No