

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

1. CRM-M No.13074 of 2017
Date of Decision: 23.05.2017

Harbir Singh ChauhanPetitioner

Vs

State of HaryanaRespondent

2. CRM-M No.14566 of 2017

Meenu ChauhanPetitioner

Vs

State of HaryanaRespondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present:Mr. Vikas Lochab, Advocate
for the petitioner(s).

Mr. P.P. Chahar, D.A.G., Haryana.

RAJ MOHAN SINGH, J.

[1]. Vide this common order CRM-M Nos.13074 and 14566 of 2017 are being decided as both the petitions have arisen out of common controversy. For brevity, facts are being taken from CRM-M No.13074 of 2017.

[2]. Petitioners in both the cases, who are husband and wife seek grant of anticipatory bail in case bearing FIR No.91 dated 01.03.2017 registered under Sections 2, 3, 4 of the MTP

Act, Sections 18(1), 18(2) of the Drugs & Cosmetics Act, Sections 15(1), 15(2) of the Indian Medical Council Act and Sections 336, 419, 420 IPC at Police Station Mujesar, Faridabad.

[3]. On 20.04.2017, following order was passed in CRM-M No.13074 of 2017 by this Court:-

“Learned counsel for the petitioner contends that as per allegations in the FIR, alleged medicines were given to Kusum, which she handed over to the raiding party after coming out of the Chauhan Health Centre. No amount was recovered from Meena, which was allegedly paid to her by Kusum. No material was found to suggest that the instruments were used for conducting any delivery or for termination of pregnancy of any patient.

*Learned counsel relies upon **Dr. Vandana Malik vs. State of Haryana, 2014(4) Law Herald 4405.***

Notice of motion for 19.05.2017.

Till then, arrest of the petitioner shall remain stayed.”

[4]. Brief facts of the case are that the FIR was registered on the basis of information received in the office of Civil Surgeon, Faridabad that the petitioners are involved in running of business of illegal abortion in Chauhan Health Centre. A team was constituted for conducting the inquiry. One lady namely Kusum met the team and told them that she is pregnant from the period of one month and she does not want the child, hence

she contacted Chauhan Health Centre which is being run by the petitioners. Kusum told that petitioner Meenu Chauhan has demanded Rs.1200/- for doing abortion and for giving medicines. Petitioner Meenu Chauhan also told Kusum that she will get her aborted and asked her to bring the amount at about 4.30 p.m. Members of raiding party Dr. Sanjeev Bhagat, Deputy Civil Surgeon, Pooja Chaudhary, Doctor Parikshit gave an amount of Rs.1200/- in the denomination of two notes of 500/- and two notes of 100/- to Kusum and sent her to Chauhan Health Centre for taking the medicines of miscarriage. Kusum went to the clinic at about 4.30 p.m. Petitioner Meenu Chauhan asked her to come in the evening at about 8.00 p.m., upon which Kusum went again to the clinic in the evening at about 8.00 p.m. for taking the medicines. After receiving the amount, petitioner Meenu Chauhan asked her to wait for some time. Thereafter, petitioner Meenu Chauhan supplied one big tablet and four small tablets to Kusum out of a packet of medicine. On coming outside the clinic, she gave the signal to the team members, who were standing outside and gave them the medicines of abortion which were given to her by petitioner Meenu Chauhan. The inquiry team after reaching the clinic conducted the investigation and found that Dr. Harinder Singh Chauhan (accused name Harbir Singh Chauhan) used to

administer treatment to the patients. The team also found 'peretrex knot kit' from the dustbin placed near the chair of accused in which medicine relatable to 'Master B No.6 LTM 5007, PROD BN AJLMF6-009, PROD B No.B0 MS6-009" was found. The aforesaid medicines is used for doing the miscarriage.

[5]. The team also found 'Opathia' medicines, implements used for doing abortion, one rubber stamp, prescription slips etc. written to patients. On being asked, Kusum told to the team that she had given an amount of Rs.1200/- to the petitioner Meenu Chauhan, who was standing at the spot. Kusum identified Meenu Chauhan and her husband (petitioners). The petitioners/accused could not produce any certificate relating to their clinic. The petitioners/accused by taking benefit of the crowd ran away from the spot without putting any signature on spot memo and seizure memo. With these allegations the FIR came to be registered.

[6]. Learned counsel for the petitioners submitted that the petitioners have already joined the investigation.

[7]. Learned State counsel on instructions from the Investigating Officer submitted that custodial interrogation of the petitioners is required as they are not possessing the requisite

qualification for doing the alleged activities.

[8]. I have heard learned counsel for the parties.

[9]. The use of implements meant for miscarriage and involvement of the petitioners in the business of abortion would remain debatable in view of the allegation made in the FIR. The alleged medicines were given to Kusum, which she handed over to the raiding party after coming out of the Chauhan Health Centre.

[10]. The material collected by the police would also be on debatable note as to the use of instruments for conducting any delivery or for any termination of pregnancy of any patient. In view of decision rendered in **Dr. Vandana Malik vs. State of Haryana, 2014(4) Law Herald 4405**, I am of the view that the petitioners namely Harbir Singh Chauhan and Meenu Chauhan can be granted the concession of anticipatory bail in view of facts and circumstances of the case.

[11]. In view of above, both the petitioners are directed to appear before the Investigating Officer to join investigation on 28.05.2017 and in the event of their arrest, they shall be enlarged on bail, subject to the satisfaction of Arresting Officer. However, petitioners shall abide by the conditions as envisaged under Section 438(2) Cr.P.C.

[12]. Both the petition stands disposed of.

[13]. A photocopy of this order be placed on the file of connected case.

May 23, 2017

Atik

Whether speaking/reasoned

Whether reportable

(RAJ MOHAN SINGH)
JUDGE

Yes/No

Yes/No