

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No. 103

CRM-M-14718-2017

Decided on : 01.05.2017

Dr.B.S.Poonia and another

..... Petitioners

VERSUS

State of Haryana

..... Respondent

CORAM: **HON'BLE MR. JUSTICE DEEPAK SIBAL**

Present: Mr.S.S.Dinarpur, Advocate, for the petitioners.

DEEPAK SIBAL, J. (ORAL)

The present petition is the second one filed on behalf of the petitioners under Section 438 Cr.P.C., seeking anticipatory bail in FIR No.85, dated 29.01.2017, registered under Sections 186 and 332 IPC and Sections 4/5 (3) (4) of the Medical Termination of Pregnancy Act, 1971 (for short “the Act”), at Police Station City Jind, District Jind.

The first petition being CRM-M-4193-2017 “*Dr.B.S.Poonia and another vs. State of Haryana*” had come up for hearing on 09.02.2017 on which date after arguing for some time, learned counsel for the petitioners had sought to withdraw the petition which was permitted.

The case of the prosecution as borne from the FIR is that the petitioners who are the doctors, run Poonia Hospital and Maternity Home at Jind; such hospital is not registered as a Centre for Medical Termination of Pregnancy under the Act; the qualification of petitioner No.2 is also not found in the hospital; when the raid was conducted at the hospital, the petitioners were found indulging in illegal termination of pregnancy as also for having caused all possible hurdles in the way of the raiding party and for concealing of evidence. The FIR further goes on to state that the petitioners went on to the

first floor of the hospital and bolted the door from inside which was not opened by them for about an hour and such act on their part was for destroying of evidence; the decoy patient who was pregnant, at the instance of the petitioners was made to swallow several tablets and was given injections for termination of her pregnancy. For such services, the petitioners charged money from her.

As noticed earlier, the present petition is the second one filed by the petitioners for seeking anticipatory bail. The first petition being CRM-M-4193-2017 "*Dr.B.S.Poonia and another vs. State of Haryana*" had come up for hearing on 09.02.2017 on which date after arguing for some time, learned counsel for the petitioners had sought to withdraw the petition which was permitted.

The present petition has been filed on the ground that after the withdrawal of the first petition, the lady who was the decoy patient, had made a representation to the authorities to the effect that she had been pressurized to act against the petitioners.

After having heard learned counsel for the petitioners, I am not inclined to grant them the concession of anticipatory bail.

As per the allegations against the petitioners they are running a maternity home without getting the same registered under the Act; they are indulging in illegal termination of pregnancy for which they are charging money; at the time of the raid they destroyed evidence and put all possible hurdles in the way of the raiding party; they snatched papers from the raiding party and gave to the decoy patient several tablets and injections for illegal termination of her pregnancy.

The ground taken by the petitioners to again approach this Court, rather goes against them. The making of a representation by the decoy patient that she was pressurized by the complainant, only goes on to show that the

petitioners are pressurizing and influencing the prosecution witnesses as such representation by her is made after the dismissal of the first bail application and is contrary to the statement made by her under Section 164 Cr.P.C. before the Judicial Magistrate Ist Class, Jind, before whom she had made a statement in terms of the allegations contained in the FIR.

A perusal of the order passed by the Additional Sessions Judge, Jind, through which the second application for anticipatory bail of the petitioners was dismissed, further shows that the petitioners are absconding and till date have not joined investigation.

The argument of learned counsel for the petitioners that the petitioners are not found anywhere in the CCTV footage, a fact which has been relied upon by the Additional Sessions Judge, Jind, to reject the second application filed by the petitioners seeking anticipatory bail, has no legs to stand in view of the specific finding recorded by the Sessions Court that after perusal of the CCTV footage by the Court it was revealed that the petitioners were pressurizing the complainant-Dr.Prabhu Dayal. Even otherwise, there are several other grounds, as mentioned above, for which I am not inclined to grant the petitioners the concession of anticipatory bail.

Dismissed.

01.05.2017
shamsher

[DEEPAK SIBAL]
JUDGE

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