

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

Date of Decision: February 15, 2017

1)

Crl. Misc. No.M-1475 of 2017

Dr. Mrs. Neeraj alias Neeraj Gulia

...Petitioner

Versus

State of Haryana

...Respondent

2)

Crl. Misc. No.M-45715 of 2016

Dr. Ashish Gulia

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present:- Mr. Sunil Panwar, Advocate
for the petitioners.

Mr. Kuldeep Tiwari, Addl. Advocate General, Haryana

Amol Rattan Singh, J. (Oral)

On the last date of hearing, learned counsel for the petitioners had raised an argument that the petitioners have committed no offence under any of the provisions of the Medical Termination of Pregnancy Act, 1971, inasmuch as, no termination of medical pregnancy ever took place, for which they are attempted to be arraigned as accused.

A perusal of the aforesaid Act, at least prima facie, does seem to indicate that there is no provision therein for arraigning a person as an accused for attempting to conduct a medical termination of pregnancy in violation of the provisions of the Act, and a prima facie reading thereof

would show that it is only after an offence has actually been committed that a person can be arraigned as an accused for having committed the offences punishable under Sections 3, 4 and 5 thereof.

Learned State counsel submits that he cannot refute the aforesaid contention of the learned counsel for the petitioner at this stage.

On instructions, he submits that the petitioners in both the petitions have joined investigation.

Hence, without making any comment on the actual merits of the case, these being only applications seeking anticipatory bail to the petitioners, the interim orders dated 21.12.2016 passed in CRM-M-45715-2016 and 18.01.2017 passed in CRM-M-1475-2017, are made absolute on the same terms and conditions.

The petitions are disposed of accordingly.

A copy of this order be placed on the file of the other connected matter too.

(AMOL RATTAN SINGH)
JUDGE

February 15, 2017
vcgarg

Whether reasoned/speaking: Yes
Whether reportable: no