

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

CRL. MISC. No.M-42198 OF 2016 (O&M)
DATE OF DECISION : 4th SEPTEMBER, 2017

Dr. Manisha Singhal

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE A. B. CHAUDHARI

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Present : Mr. Sanjay Kaushal, Senior Advocate with
Mr. Abhishek Sethi, Advocate for the petitioner.
Mr. Kuldeep Tiwari, Addl. Advocate General, Haryana.

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A. B. CHAUDHARI, J. (ORAL)

The petitioner has filed this petition under Section 438 Cr.P.C. seeking anticipatory bail in FIR No.699 dated 01.11.2016 registered under Sections 3, 4, 5 of PC & PNDT Act, 1994 read with Rule 9(4), 9(6) of the PC & PNDT Rules, 1996 and Sections 3, 4, 5 of MTP Act, 1971 read with Rule 5 of the MTP Rules, 2003 at Police Station Assandh, District Karnal.

Heard learned counsel for the rival parties.

The petitioner was granted interim bail by this court vide order dated 30.11.2016. Vide order dated 10.05.2017 this Court had continued the interim order however, subject to a condition that the petitioner shall not perform any operation.

On the application of the petitioner this Court had further made order dated 10.07.2017 by clarifying order dated 10.05.2017, the relevant portion of which is reproduced hereunder:

“Without making any comment on this issue of the interim order in the anticipatory bail continuing, which would be subject matter of consideration before the Bench before which the petition comes

up for hearing, however, as regards the issue of the petitioner performing other procedures and functions as a Gynecologist, it is considered appropriate to allow her to do so, other than to obviously conduct any kind of medical termination of pregnancy, even if permissible under the Act, and further, that she be restrained from, herself or in her clinic, conducting even ultrasounds procedures; subject to the outcome of her appeal stated to be pending before the appropriate authority.”

Learned senior counsel for the petitioner submits that the said condition may be deleted.

However, in my opinion, this Court had consciously incorporated the condition by making orders dated 10.05.2017 and 10.07.2017. Therefore, the same shall continue till the trial is continuing.

In that view of the matter interim order dated 30.11.2016 is made absolute.

Disposed of accordingly.

4th SEPTEMBER, 2017
‘raj’

(A. B. CHAUDHARI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>