

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

**Criminal Misc. No. M-4450 of 2017
Date of Decision : February 13,2017**

Ramesh Kumar Petitioner

VERSUS

State of Haryana..... Respondent

CORAM : HON'BLE MRS. JUSTICE LISA GILL

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporters or not?
3. Whether the judgment should be reported in the digest?

...

Present: Mr. S.K.Tripathi, Advocate
for the petitioner.

Mr. Anmol Malik, AAG, Haryana,
for the State/respondent.

...

LISA GILL, J. (Oral)

Prayer in this case is for grant of anticipatory bail to the petitioner in FIR No. 31 dated 7.1.2017 under Sections 312/315/420/467/468/471/120B IPC, Sections 18A and 28 of Drugs and Cosmetics Act, 1940, Sections 3, 4, 5 of Medical Termination of Pregnancy Act 1971 and Section 15(2), 15(3) of Indian Medical Council Act, 1956 registered at Police Station Sector 5, Gurgaon.

Learned counsel for the petitioner vehemently argues that no

offence whatsoever is made out qua petitioner. The only allegation raised is that he had referred one Smt. Monita to Dr. Sahid Ali Qureshi for medical termination of pregnancy. No active role has been attributed to the petitioner. There is nothing on record to show that he had any contact whatsoever with the said Dr. Sahid Ali Qureshi who was found at the time of conducting raid on M/s Jannat Hospital & Maternity Centre. It is, thus, prayed that this petition be allowed.

Learned counsel for the State opposes this petition. It is submitted that a cheque payment of ₹15,000/- was received by the petitioner from Smt. Monita. A sum of ₹6500/- was then paid to Dr. Sahid Ali Qureshi whose premises were raided by the team led by Dr. Nilam Thapar. Smt. Monita was found present there. She disclosed that she was admitted for termination of pregnancy. Tablets used for medical termination of pregnancy were recovered from inside her person.

Heard learned counsel for the parties.

There are specific allegations against the petitioner. Custodial interrogation of the petitioner would be required to discover the nexus between the petitioner and other accused in this case. It is to be noted that an affidavit dated 16.1.2017 of Smt. Monita Devi (Annexure P3) has been attached with this petition. In the said affidavit an effort has been made to explain the handing over of cheque of ₹15,000/- to the wife of the petitioner. It is further stated that she never took any treatment from the petitioner and neither had he advised her for termination of pregnancy. To rely upon such kind of affidavit at this stage seems unjustified and in fact is an indication of the influence which the petitioner may be trying to exert upon the concerned persons.

Consequently, I find no ground whatsoever to grant anticipatory bail to the petitioner. This petition is dismissed.

Any observations made here-in-above shall not be construed to be a reflection on merits of the case and shall have no bearing on the trial.

13.2.2017
rupi

(LISA GILL)
JUDGE

Note: Whether speaking/reasoned

Yes / No

Whether Reportable:

Yes / No