

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP No.15488 of 2017
Date of Decision: 21.07.2017

Vijay Singh

....Petitioner

Vs.

State of Haryana and others

....Respondents

CORAM: HON'BLE MR.JUSTICE RAKESH KUMAR JAIN

Present: Mr.Jagjeet Beniwal, Advocate,
for the petitioner.

Ms.Shubhra Singh, Addl. A.G. Haryana.

RAKESH KUMAR JAIN, J. (ORAL)

The petitioner is the father of a minor rape victim. He has prayed for a direction for termination of her pregnancy. On 18.7.2017, the following order was passed by this Court in order to find out as to whether the termination of pregnancy of a minor girl is feasible or not: -

“This petition is filed by father of a rape victim, who is 17 years of age and lodged FIR No.848 dated 31.12.2016 under Sections 344, 363, 366-A, 376-D, 120-B of the Indian Penal Code, 1860, Section 9 of the Prohibition of Child Marriage Act, 2006 and Section 6 of the Protection of Children from Sexual Offenses Act, 2012 at Police Station Sadar, Bhiwani.

It is submitted that the said rape victim is now 19 weeks old pregnant. She does not want to give birth to the child as she does not want to carry the unwanted foetus of the

rapists. The petitioner has prayed that the permission may be granted for termination of her pregnancy.

Learned counsel for the petitioner has submitted that since the foetus is less than 20 weeks , therefore, in terms of Section 3 of the Medical Termination of Pregnancy Act, 1971 a panel of two gyneacologists may be formed and to report as to whether it would be safe and conducive to terminate the pregnancy of a minor at this stage.

Respondent No.4 is directed to constitute a panel of two gyneacologists, who would report to this Court about the present physical status of the said victim and also as to whether it would be safe to terminate her pregnancy without causing any adverse effect to her own health. Respondent No.4 is further directed to comply with this order by tomorrow and submit the report day-after-tomorrow to this Court so that an appropriate decision may be taken.

Petitioner along with his daughter is directed to appear before the panel tomorrow at 11.00 A.M.

Notice of motion.

Ms.Tanisha Peshawaria, DAG, Haryana accepts notice on behalf of the respondents.

Adjourned to 21.7.2017.

A copy of this order be given to counsel for the parties for compliance, who would intimate the concerned quarters about the compliance of this order.”

Pursuant to the aforesaid order, the respondents have produced medical examination report of that girl in which it is opined that keeping in view the age, period of gestation and the fact that she is suffering from mild anemia, it would be in her interest if the pregnancy is terminated at PGIMS, Rohtak or PGIMER, Chandigarh.

The medical examination report is also reproduced as under:-

“Medical Examination Report

In compliance of Hon’ble Punjab & Haryana High Court, Court order CWP No.15488/2017 passed on dater 18.07.2017, the Board of two doctors constituted by Civil Surgeon Bhiwani comprising of Dr. Ania Gulia Gynecologist, Civil Hospital, Charkhi Dadri and Dr. Shilpa Beniwal Gynecologist, Ch. Bansi Lal Hospital, Bhiwani today medically examined rape victim brought by her father Vijay Singh R/o Village Paluwas, Bhiwani. The rape victim has single viable intrauterine pregnancy of gestational age 18 weeks. She has mild anemia.

IN our opinion her termination of pregnancy is to be done at tertiary health centre (PGIMS Rohak/PGI Chandigarh) keeping in view of her age, anemia and age of gestation for betterment of her life. As per MTP Act, 1971 termination of pregnancy can be done only upto 20 weeks gestation age.

Identification marks of rape victim

Old healed Scar mark of size 4x1 cm ventral on aspect of right forearm near wrist.

Enclosed: -

1. OPD Card

2. Ultrasound report

3. ID of Victim

Sd/-19/07/2017

Sd/-19/07/2017

Dr. Anita Gulia,

Gynecologist

SMO CH Dadri

(Member Medical Board)

Dr. Shilpa Beniwal,

Gynecologist

MO CH Bhiwani

(Member Medical Board)

I have considered the facts and circumstances of this case and since it has been opined by the Board of Doctors that the pregnancy of the daughter of the petitioner, may be of 18 weeks, can still be terminated, therefore, direction is issued to the Director, PGIMS, Rohtak to arrange for the termination of pregnancy of the daughter of the petitioner by a senior Gyneacologist. He would also ensure the follow-up treatment of that girl and make arrangement for the stay etc. of the attendants of the girl. Needless to mention that the entire treatment shall be free of cost and if need be the Director, PGIMS, Rohtak shall also provide nutritious food to the said girl.

With these observations, the present petition is hereby disposed of. The needful shall be done immediately by the Director, PGIMS, Rohtak and the petitioner is directed to produce her daughter to the Senior Gyneacologist, PGIMS, Rohtak as soon as possible.

A copy of this order be given to the counsel for the parties under the signature of Bench Secretary of this Court for compliance.

21.07.2017

Vivek

(RAKESH KUMAR JAIN)
JUDGE

Whether speaking/reasoned Yes/No

Whether reportable Yes/No