

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CRM-M-10001-2019(O&M)

Date of Decision:11.03.2019

Dr. Nisha Dhankhar

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Sumit Sangwan, Advocate,
for the petitioner.

Ms. Priyanka Sadar, A.A.G., Haryana.

HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in FIR No.462 dated 06.12.2018 under Sections 3, 4 and 5 of the Medical Termination of Pregnancy Act, 1971, Sections 18 & 27 of Drugs and Cosmetics Act, 1940, Sections 15(2) & 15 (3) of the Indian Medical Council Act, 1956 and Sections 312, 315, 420, 511 IPC (the offence punishable under Section 120-B IPC was added later on), registered at Police Station Dadri City, District Charkhi Dadri.

Learned counsel for the petitioner states that the petitioner is in custody since 20.02.2019. The co-accused Bimla Devi has already been admitted on regular bail by learned Additional Sessions Judge, Charkhi Dadri vide order dated 24.12.2018. At the relevant time when the raiding party visited M/s Dhankhar Health Care Centre, petitioner was not present

and therefore, no recovery was effected from her. The allegation against the

petitioner and co-accused is that illegal Medical Termination of Pregnancy (for short MTP) was being conducted in the Health Care Centre. The instruments so recovered from the Centre are those instruments which are required to be used in any hospital/Centre in day-to-day functioning.

Learned State Counsel on instructions from SI Rajbeer Singh has argued that considering the nature of allegations, petitioner is not entitled the concession of bail as illegal termination of pregnancy was carried out in the Health Care Centre. Moreover, on the relevant date, co-accused Bimla Devi was found doing illegal termination of pregnancy, who was otherwise not authorized to do so.

Heard learned counsel for the parties and noticing the fact that petitioner is a doctor by profession and she is in custody since 20.02.2019 and the fact that the co-accused Bimla Devi has been admitted on bail by the trial Court vide order dated 24.12.2018, this Court finds that the petitioner deserves to be admitted on bail, more particularly when the trial in the case will take sufficient long time.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of her bail bonds/surety bonds to the satisfaction of trial Court.

It is made clear that in case the petitioner is found indulged in any other case of similar offences in future, the prosecution shall be at liberty to seek cancellation of her bail.

March 11, 2019
seema

(HARI PAL VERMA)
JUDGE