

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

CRR No. 2144 of 2019

Date of decision: 10.12.2019.

Nirmala Devi

..... Petitioner.

Versus

State of Haryana and another

..... Respondents.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Anil Kumar Sharma, Advocate, for the petitioner.

ANUPINDER SINGH GREWAL, J. (ORAL)

The petitioner has challenged the order dated 17.05.2019 whereby she has been summoned under Section 319 of the Code of Criminal Procedure, 1973, to face trial as an additional accused.

Learned counsel for the petitioner contends that the impugned order is erroneous, as the petitioner was only present at the time of raid and there is no *prima facie* evidence which would connect her with the alleged commission of offence. He also contends that the petitioner is a Nurse in the Health Department of the Haryana Government and she has already lost her job. He also contends that she had a fracture on her right hand and at that time she could not have been involved in the alleged commission of offence. He further contends that she was found innocent in the investigation and the inquiry conducted by the Deputy Superintendent of Police. He has also relied upon the judgment of the Supreme Court in the case of Hardeep Singh v. State of Punjab, (2014) 3 SCC 92.

Heard.

It is manifest from the perusal of the material on record that the petitioner, who was working as a Nurse in the Health Department of the Haryana Government, was present at the spot when the raid was conducted. Dr. Saryu Sharma, Deputy Civil Surgeon, who was examined as PW4, has categorically stated that the petitioner was found indulging in unlawful medical practices. PW1 Dr. Dharampal Malik, SMO, CHC, Pataudi, and PW3 Amandeep Chauhan, Drugs Controller Officer, Gurugaon, had also deposed with regard to the involvement of the petitioner in the offence. After the raiding party had conducted raid at the premises, equipment and instruments for carrying out illegal abortion had been recovered at the spot. The clinic is allegedly being run by the petitioner along with her husband. Her husband does not appear to have any medical qualification or training while the petitioner is a qualified nurse. In view of the above, I do not find any illegality in the impugned order summoning the petitioner to face trial as an additional accused.

Consequently, the petition stands dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

10.12.2019

Ramesh

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No