

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

CRM-M-11904-2020 (O&M)

Date of decision: 09.07.2020

Baljeet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Sarbjit Singh, Advocate for the petitioner.

Mr. J.S. Ghuman, DAG, Punjab.

H.S. MADAAN, J. (Oral)

Case taken up through video conferencing.

This petition for pre-arrest bail has been filed by petitioner Baljeet Kaur, aged about 26 years, an accused in FIR No.38 dated 04.03.2020, for offences under Sections 315, 312, 120-B IPC, Sections 18-A/18-C of Drugs and Cosmetics Act, 1940 and Section 15(2) of Indian Medical Council Act, registered with Police Station Mohkampura, Amritsar.

Briefly stated facts of the case as per prosecution version are that on 03.03.2020 at about 10.15 PM, a raid was conducted at house of Amrik Kaur (midwife) daughter of Puran Singh by a team of doctors along with police officials and petitioner/accused Baljeet Kaur was found to be present there. On being examined, she was found to be bleeding.

Her cervix was elevating and bag of water was bulging from vagina. She was in pain. After sometime, foetus came out. Petitioner was taken to Civil Hospital, Amritsar. During the course of enquiry, it was found that Baljeet Kaur had one female child earlier and while she was in family way, she got her ultrasound conducted and thereafter, contacted Amrik Kaur (midwife) for termination of her pregnancy. Formal FIR was registered.

Apprehending her arrest in this case, petitioner had approached the Court of Sessions at Amritsar, seeking pre-arrest bail, however, her such petition was dismissed by Addl. Sessions Judge, Amritsar, vide order dated 17.03.2020. Therefore, she has approached this Court, praying for grant of similar relief, which request is being resisted by the State counsel .

I have heard learned counsel for the parties besides going through the record.

Learned counsel for the petitioner has contended that the petitioner has not committed any offence, rather, as a matter of fact, on 03.03.2020, she along with her brother in-law Kulwinder Singh and mother in-law Harjit Kaur had gone to house of a relative namely, Kanwaljit Kaur wife of Baldev Singh, resident of Mohkamura, District Amritsar, where she started feeling uneasiness and was taken to house of Amrik Kaur (Dai); during the course of check-up, miscarriage took place and she had not got any ultrasound conducted and had not contacted Amrik Kaur for termination of pregnancy. As a matter of fact, since she was having only one daughter, namely, Ravneet Kaur with date of birth

03.05.2017, there was no need for any abortion.

Though, learned State counsel has controverted such contentions but from the facts and circumstances of the case, this version seems to be plausible. The petitioner has since joined the investigation during the period of interim bail granted to her. Though, learned State counsel has contended that ultrasound report and film are to be recovered from her but as stated by learned counsel for the petitioner, the petitioner had not got any ultrasound examination conducted, thus, there is no question of any ultrasound report or film being there. Under the circumstances, I find that custodial interrogation of the petitioner is not required and it is a fit case to grant pre-arrest bail to the petitioner. Therefore, the present petition is allowed. The interim bail granted to the petitioner, vide order dated 14.05.2020 is made absolute, subject to the following conditions:-

1. That the petitioner shall make herself available for interrogation by a police officer as and when required;
2. That she shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer and;
3. That she shall not leave India without prior permission of the Court.
4. She shall surrender her passport before the Investigating Officer and if she is not having passport, then, shall file the affidavit in that regard.

In case, the petitioner violate any terms & conditions, on which the bail has been granted to her, the prosecution would be entitled to apply for cancellation of bail.

09.07.2020

sumit.k

(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No