

CWP No.9053 of 2020

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

CWP No.9053 of 2020  
Date of Decision: 08.07.2020

Amanjit Kaur and another

...Petitioners

Versus

State of Union Territory, Chandigarh and another

....Respondents

**CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN**

Present:- Mr. Satnam Chauhan, Advocate, for the petitioners.  
Mr. Amit Jhanji, Advocate, for respondent No.2 – PGIMER.

**RAMENDRA JAIN, J. (ORAL)**

Case has been taken up for hearing through video conferencing due to pandemic Covid-19.

Through this Civil Writ Petition under Articles 226/227 of the Constitution of India prayer has been made for issuance of writ, order or direction for grant of permission to the petitioners to get terminated pregnancy of petitioner No.1 – Amanjit Kaur.

In compliance of order of this Court dated 01.07.2020, report from the PGI has been received, which is reproduced as under: -

*“With reference to the directions received from the Hon'ble Punjab and Haryana High Court dated 01/07/2020 received in the MS office on 02/07/2020 in which the Permanent Medical Board has been asked to examine the first petitioner Amanjit Kaur regarding the immediate necessity of undergoing medical termination of pregnancy and submit the requisite medical*

*examination report.*

*The first petitioner pt Amanjit appeared before the medical Board on 03/07/2020 and was medically evaluated by the Medical Board at PGIMER, Chandigarh on dated 03/07/2020. Following are the observations:*

- 1. As per USG done on 03/07/2020 the POG is 25 wks + 5 days. She has a single live intrauterine fetus with features suggestive of anencephaly with spinal deformity and polyhydramnios.*
- 2. It is a severe congenital malformation in which the fetal skull and brain are poorly formed and is incompatible with life.*
- 3. The patient has been examined and has been found to be clinically fit. However, she is under mental stress due to carrying of pregnancy in which the fetus is affected with anencephaly.*
- 4. Keeping in view the above, the Permanent Medical Board recommends that this patient may undergo medical termination of pregnancy at this stage due to severe congenital anomaly. However, medical termination of pregnancy at an advanced gestation of 25 weeks carries more than usual risks which have been explained to patient.”*

Perusal of above report, shows that Medical Board is of the view that petitioner No.1 – Amanjit Kaur may undergo medical termination of pregnancy at this stage due to severe congenital anomaly.

Having heard learned counsel for the parties and keeping in view the report of the Medical Board, this Court directs that petitioner No.1 – Amanjit Kaur – can undergo medical termination of pregnancy. PGIMER

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authorities (Medical Superintendent of the PGIMER) is directed to admit petitioner No.1 – Amanjit Kaur – within a period of next two days so as to carry out the procedure of medical termination of the pregnancy, in case, she presents herself for undergoing the said procedure at the said institute, in accordance with law keeping in view the recommendations, which have been submitted by the Medical Board, reproduced above.

Disposed of accordingly.

July 08, 2020  
R.S.

(RAMENDRA JAIN)  
JUDGE

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|---------------------------|--------|
| Whether speaking/reasoned | Yes/No |
| Whether Reportable        | Yes/No |