

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(108)

CRM No. M-22944 of 2020
Date of Decision : 17.08.2020

Dr. Kavita

...Petitioner

Versus

State of Haryana

...Respondent

(through video conferencing)

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Naveen Sharma, Advocate for the petitioner.

Harsimran Singh Sethi, J. (Oral)

Present petition has been filed under Section 438 of the Cr.P.C. for the grant of anticipatory bail to the petitioner in respect of FIR No. 445 dated 22.07.2020, under Section 313 of the Indian Penal Code, 1860, Sections 3, 4, 5 of Medical Termination of Pregnancy Act, 1971 and Sections 27(c) and 27(d) of Drugs and Cosmetics Act, 1940 register at Police Station Model Town, Rewari, District Rewari.

Learned counsel for the petitioner argues that petitioner has been falsely roped in the present case and nothing illegal has been done by the petitioner. Learned counsel further states that the wife of the complainant, namely, Sarita was not even pregnant but was only treated for the transfusion of blood and in fact, these false allegations have been alleged against the petitioner at the instance of an ex-employee of the petitioner, namely, Fateh Singh, whose services were terminated by the

petitioner. Learned counsel for the petitioner submits that even the enquiry, which was done prior to the registration of the FIR, is biased. Learned counsel further submits that this is not a case of the termination of the pregnancy illegally and, therefore, petitioner, who is ready to join the investigation, may kindly be granted the benefit of anticipatory bail.

Notice of motion.

Ms. Ambika Luthra, learned Additional Advocate General, Haryana, who has joined the proceedings through video conference, keeping in view the service of advance copy of petition, accepts notice on behalf of the respondent-State. Learned State counsel states that the petitioner in this petition is alleging bias against everyone including the Doctors, who were part of the Committee, which opined keeping in view the facts and circumstances of the present case prior to the registration of FIR as well as the Doctors, who's opinion is sought at the time of considering the bail application of the petitioner. Learned State counsel submits that petitioner is not cooperating and, therefore, the custodial interrogation of the petitioner is needed to find out the truth in respect of the present FIR as well as the fact as to whether, the petitioner was habitual in indulging in these kind of activities of illegal termination of the pregnancy or not.

I have heard learned counsel for the parties and have gone through the record carefully.

Serious allegations have been alleged against the petitioner. Further, the conduct of the petitioner is that she even denied that the wife of the complainant was pregnant. The factum of pregnancy was confirmed by the OPD slip dated 25.03.2020, issued by Ganga Sahai Multi Speciality

Hospital Private Limited, according to which the wife of the complainant was pregnant. The FIR has been registered against the petitioner after holding of due enquiry into the facts & circumstances of this case and after obtaining opinion, given by the team of Doctors. It is conceded before this Court that petitioner is not authorized for the termination of the pregnancy as per Section 3 of the Medical Termination of Pregnancy Act, 1971. Police is yet to recover the instruments used during the alleged procedure carried out by the petitioner illegally as well as to know the source from where the petitioner had arranged the bills used for terminating the pregnancy.

That being so, the custodial interrogation of the petitioner is necessary to find out as to whether, the petitioner was indulging in these activities i.e. the illegal termination of the pregnancy in other cases or not apart from the present case.

Keeping in view the above, no ground is made out to grant the benefit of anticipatory bail to the petitioner and the same is accordingly dismissed.

August 17, 2020
kanchan/naresh.k

(HARSIMRAN SINGH SETHI)
JUDGE

Whether reasoned/speaking? Yes/No
Whether reportable? Yes/No