

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

CWP-17664-2020 (O&M)
Date of decision: 28.10.2020

Amandeep Kaur and another

... Petitioner (s)

Versus

State of Punjab and another

... Respondents

CORAM: HON'BLE MR. JUSTICE KARAMJIT SINGH

Present: Mr. Sanjeev Sharma, Advocate (HCLSC)
for the petitioner.

Mr. Ayush Sarna, AAG, Punjab.

Mr. Amit Jhanji, Advocate,
for respondent No.2.

KARAMJIT SINGH, J. (Oral)

Case has been heard through video conferencing in view of
COVID-19 Pandemic.

Petitioner-Amandeep Kaur aged 29 years and her husband
Satveer Singh aged 29 years both residents of village and post office
Pandher, District Barnala, at present, residents of House No.1045, Phase
3B2, SAS Nagar (Mohali) have filed the instant writ petition under Article
226 of the Constitution of India for issuance of a writ in the nature of
mandamus directing respondent No.2 to terminate the pregnancy of the
child in the womb of petitioner No.1 which is about 22 weeks, in
consonance to the report given by Post Graduate Institute of Medical
Education and Research (PGIMER), Sector 12, Chandigarh as well as other

medical records showing that there is gross malformation in the fetal heart of the child and continuation of pregnancy would cause grave injury to the child of petitioners and also it is unsafe and dangerous for the life of the fetus. Notice of this petition was issued to respondent No.2.

When the petition came up for hearing on 23.10.2020, an order was passed directing petitioner No.1-Amandeep Kaur, to appear before the Medical Superintendent, PGIMER, Chandigarh on 26.10.2020 for her examination by Permanent Medical Board, which was requested to send its report in the Court by today i.e. 28.10.2020.

The report of the Permanent Medical Board has been received.

The observations of the Medical Board are as under : -

- “1. As per USG done on 26/10/2020 the period of gestation is 23 wks + 5 days with single live intrauterine fetus. The Ultrasound and fetal Echocardiography shows multiple cardiac anomalies suggestive of Hypoplastic left heart Syndrome with Mitral valve atresia. This is a congenital malformation of fetal heart which is not compatible with life and also not correctable.
2. As per the Royal college of Obstetricians & Gynaecologists (RCOG) guidelines (Termination of pregnancy of fetal abnormality, 2010), in cases where medical abortion is being performed after 21 weeks + 6 days of gestation for fetal abnormalities, to prevent a live birth, ultrasound guided injection of Potassium Chloride in the fetal heart is advised prior to abortion.
3. Medical termination of pregnancy at an advanced gestation of 23 weeks + 5 days carries more than the usual risks which have been explained to patient.
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 Hypoplastic left heart Syndrome with Mitral valve atresia in the fetus. We also

wish to bring to the knowledge of the Hon'ble High Court that doctors will perform the procedure of Potassium Chloride injection in the fetal heart under ultrasound guidance before termination of pregnancy, so as to prevent the fetus being born alive. Also, the medical termination of pregnancy at an advanced gestation of 23 weeks + 5 days carries more than the usual risk which have been explained to patient.

Sd/- Prof. Kirti Gupta (Member)	sd/- Dr. Tulika Singh (Member)	sd/- Prof. Kanya Mukhopadhyay (Member)
sd/- Dr. Neeraj Balaini (Member)	sd/- Dr. Ruchita Shah (Member)	sd/- Dr. Himanshu Gupta (Member)
sd/- Dr. Muneer Abas Malik (Member)	sd/- Dr. Anupriyya Kaur (Member)	sd/- Dr. Sushil Kumar (Member)
sd/- Prof. Rashmi Bagga (Chairperson)	sd/- Prof. Y.S. Bansal (Member)	sd/- Dr. Ranjana Singh (Convener)"

I have heard learned counsel for the petitioners and respondent No.2 besides going through the record.

In view of the report sent by Permanent Medical Board, PGIMER, Chandigarh, which has been reproduced above, it would be proper and appropriate to allow the present writ petition.

Accordingly, the present petition is accepted and respondent No.2-PGIMER, Chandigarh is directed to carry out the medical termination of pregnancy of petitioner No.1, taking all the necessary measures required for the purpose, with minimum risk to the life of petitioner No.1. Considering the fact that the pregnancy of petitioner No.1 is at the advanced stage, needful be done at the earliest and not later than one or two days from

As requested by the counsel for the parties, copy of this order be given to them under the signatures of the Bench Secretary/Superintendent of this Court.

(KARAMJIT SINGH)
JUDGE

October 28, 2020
Paritosh Kumar

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No