

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-2043-2021 (O&M)
Date of Decision:- 21.1.2021

Manjeet

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Namit Khurana, Advocate, for the petitioner.

Mr. Ramesh Kumar Ambavta, AAG, Haryana,
assisted by SI Parmod Kumar.

(Proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of regular bail in a case registered vide FIR No.433, dated 5.12.2020, Police Station Farakpur, District Yamuna Nagar, under Sections 312, 315, 420, 120-B IPC, Sections 15(2), 15(3) of Indian Medical Council Act and Sections 3, 4 and 5 of Medical Termination of Pregnancy Act.

2. The FIR was lodged at the instance of Dr. Rajesh Kumar, Deputy Civil Surgeon, Jagadhari, wherein it has been alleged that illegal abortions were being carried out at a clinic by unqualified persons and that a team along with police party reached at a clinic being run by Gurnam Singh and his wife namely Kusum Lata where Poonam along with her sister-in-law (*bhabhi*) namely Manjeet were present. Upon inquiries, said Poonam disclosed that she had come to the said clinic as she was having excessive bleeding. It is alleged that on searching the clinic several instruments used for medical termination of pregnancy were found there which were stained with blood. When the aforesaid Poonam was examined by Dr. Nancy who was accompanying the complainant, vaginal blood clots were found present. The aforesaid Poonam was immediately shifted to Civil Hospital, Yamuna Nagar, where upon being checked and upon certain tests being conducted, she was found to be pregnant but the foetus did not show any cardiac activity.
3. Learned counsel for the petitioner has submitted that she has falsely been implicated in the instant case and that she being *bhabhi* (sister-in-law) of Poonam had accompanied her to a Doctor when she was having some discomfort and bleeding and that she had no role whatsoever to play in the alleged commission of any offence.
4. Opposing the petition, learned State counsel has submitted that since the petitioner was present along with Poonam who apparently had visited the hospital of Gurnam Singh for illegal termination of her pregnancy, her complicity in the matter is clearly evident. Learned

State counsel has however, informed that the petitioner as on date has been behind bars since the last 1 month and 15 days and that challan already stands presented.

5. I have considered rival submissions addressed before this Court.
6. It will be debatable as to whether it is a case of illegal termination of pregnancy or as to whether the petitioner had any role to play in the same. The petitioner in any case has been behind bars since the last 1 month and 15 days and challan already stands presented. In these circumstances no useful purpose would be served by further detaining the petitioner behind bars. The petition, as such, is accepted and the petitioner is ordered to be released on bail subject to her furnishing bail bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.
7. It is, however, clarified that none of the observations made above shall be construed to be an expression on merits of the main case.

January 21, 2021

mohan

(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No