

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

219

CRM-M No.27594 of 2021
Date of Decision: August 02, 2021

Maya Devi

.....Petitioner

Vs.

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Sartej Singh Narula, Advocate for the petitioner.

Mr. Bhupender Singh, DAG, Haryana.

SUDIP AHLUWALIA J. (ORAL)

The instant Petition has been filed under Section 439 of the Code of Criminal Procedure seeking Regular Bail on behalf of the Petitioner in case FIR No.366, dated 24.06.2021, registered under Sections 419, 420 IPC, Section 3, 4, 5 of Medical Termination of Pregnancy Act, 1971 and Sections 15(2) and 15 (3) of the Indian Medical Council Act at Police Station Shahabad, District Kurukshetra, Haryana.

2. The petitioner is a woman aged 75 years. She happens to be a qualified Nurse, who retired from Government Service as such more than 26 years ago.

3. The allegations against her are that she agreed to medically terminate the pregnancy of a decoy, who was sent to the private hospital along with the police party, and in this manner attempted to commit the relevant

offences under the Medical Termination of Pregnancy Act, 1971.

4. In the opinion of this Court, there was no actual scope for commitment of such offences in the given case, because admittedly the decoy customer herself was not pregnant in the first place. At the most, the petitioner can be implicated for having attempted to commit certain offences, which in any case never have been actually performed. The offences under Sections 419, 420 IPC, alleging cheating on her part for the same reason would appear to be not fully applicable since the decoy customer was actually aware of the real facts and no actual cheating could have been practised upon her in the given circumstances.

5. At any rate, considering the age of the petitioner and the long detention undergone by her so far, she may now be released on Regular Bail subject to imposition of appropriate terms and conditions which are left to the discretion of the Ld. Trial Court/Duty Magistrate concerned.

6. Needless to add, the trial Court shall not be influenced by any observation made herein and shall decide the case on its own merits.

7. Disposed off.

(SUDIP AHLUWALIA)
JUDGE

August 02, 2021
sonia arora

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