

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRM-M-25458 of 2020 (O&M)

Date of decision : 25.3.2021

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Dr. Paramjeet Kaur

.....Petitioner

vs.

State of Haryana

.....Respondent

Coram: Hon'ble Mr. Justice H. S. Madaan

Present: None for the petitioner

Mr. Tanuj Sharma, Assistant Advocate General, Haryana.

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H. S. Madaan, J. (Oral)

There is no representation on behalf of the petitioner. On the last date of hearing also nobody had come present on behalf of the petitioner. In the previous order dated 24.2.2021, it is recorded that counsel for the petitioner had prayed for grant of an adjournment, which was allowed deferring the hearing to 19.3.2021, with the observation that it shall be final opportunity for arguments and if arguments were not addressed, then the petition shall be disposed of after hearing learned State counsel and going through the record. On the adjourned date, nobody had appeared for the petitioner. Similar is the position today. Therefore, I proceed to decide the petition after hearing learned State counsel and going through the file.

This petition for grant of pre-arrest bail under Section 438 Cr.P.C., has been filed by petitioner – Dr. Paramjeet Kaur, aged about 45 years, w/o Manjeet Singh, resident of New Ramesh Nagar, Tehsil Camp, Bhawna Chowk, Near Arti Hospital, Panipat, an accused in

FIR No. 630 dated 21.7.2020 for offences under Section 5 of MTP Act, 1971 and Sections 384, 342, 511 IPC, registered at Police Station, Panipat City.

Briefly stated, the prosecution story is that one Amandeep Singh r/o Ranjeet Nagar, Patiala, had submitted a complaint to Haryana State Commission for Women, Panchkula, against Simran Nursing Home, run by Dr. Paramjeet Kaur – petitioner accused, at Panipat, with regard to illegal abortion on a female foetus. Inter alia in the complaint, it was alleged that petitioner – accused had demanded Rs.15,000/- for doing illegal abortion. Accordingly, Civil Surgeon, Panipat, constituted a team on 14.7.2020, which submitted initial enquiry report including written statement made by the petitioner – accused Dr. Paramjeet Kaur, spot memo, videos and spot photos taken at the time of enquiry. During enquiry, it transpired that Amandeep Singh had gone to hospital of the petitioner -accused taking his wife, who was in family way with him for the purpose of getting female foetus aborted and the petitioner -accused had done the job for Rs.15,000/-. Formal FIR in the matter was recorded.

Apprehending her arrest in this case, petitioner – accused had approached the Court of Sessions at Panipat, by filing an application for grant of pre-arrest bail. Her such application was however, dismissed vide order dated 21.8.2020 passed by Additional Sessions Judge, Panipat, as such she has knocked at the door of this Court, by way of filing the present petition, notice of which was given to the State.

Since there is no representation on behalf of the petitioner, I have heard learned State counsel and have perused the record.

I find that the petition is doomed for failure. The allegations against the petitioner are very serious and grave. Her custodial interrogation is found to be necessary for the proper and effective investigation, to find out the material facts and to effect the recovery of amount of money paid by the complainant to her for getting illegal abortion done. In case custodial interrogation is denied to the Investigating Agency, that shall leave many gaps, lacuna and loop holes, adversely affecting the investigation, which is uncalled for. The petitioner is stated to be involved in another similar case bearing FIR No. 369 dated 20.3.2018, Police Station City, Panipat.

Learned State counsel has also pointed out that during the course of enquiry the documents of the petitioner with regard to her medical qualification were found to be fake and for that reason offence under Sections 420, 465, 468, 471 IPC were added in the FIR.

In view of the above discussion, the petition stands dismissed.

However, nothing discussed above shall have any bearing on the merits of the case.

25.3.2021
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(**H.S. Madaan**)
Judge

Whether speaking / reasoned

Yes/ No

Whether reportable

Yes/ No