

CWP-16482-2021

Date of decision : September 10, 2021

RAJBALA

.....Petitioner

Versus

STATE OF PUNJAB AND OTHERS

....Respondents

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Ms. Manpreet Kaur, Advocate for the petitioner.

Mr. Abhay Pal Singh Gill, AAG, Punjab.

Mr. Abhishek K. Premi, Advocate for respondent No. 5.

LISA GILL, J.

Prayer in this petition is for conducting medical termination of pregnancy of petitioner's minor daughter, aged 17. It is stated that petitioner's daughter is a victim of offences regarding which FIR No. 45 dated 04.03.2021 has been registered.

Keeping in view the fact that it is specifically noted in order dated 17.08.2021 in CRWP-7494-2021 that the alleged victim had refused to accompany her parents and keeping in view her welfare, she was directed to be kept in care and custody of respondent No. 4, detailed order dated 03.09.2021 was passed in this petition. Chairperson of the Child Welfare Committee was directed to visit respondent No. 4 and interact with the petitioner's daughter in order to find out the desire of the victim. Victim, who is in the care and custody of respondent No. 4, also seeks medical termination of pregnancy. After interaction with the petitioner's daughter through video conferencing as well as perusal of the report of Chairperson of Child Welfare Committee, as pregnancy of petitioner's daughter was beyond twenty weeks, she was directed to be examined by the Permanent Medical Board at PGIMER, Chandigarh. Report of the Medical Board has been

received in sealed cover. Same is opened and perused. Observations of the Medical Board read as under:-

1. The patient is 17 years old primigravida. As per the ultrasound done on 08.09.2021, the period of gestation (POG) is 20 weeks and 4 days with single live intrauterine healthy fetus with estimated fetal weight 362 ± 54 gms. No gross congenital malformation is seen on ultrasound.
2. The patient appears to be medically and physically fit. She is at present not suffering from any serious medical ailment which poses imminent danger to her life.
3. The detailed psychiatric evaluation of the patient is suggestive of psychological distress due to the ongoing stressors of pregnancy. The possibility of such ongoing mental distress due to her present state of pregnancy and further continuation of pregnancy resulting in grave injury to her mental health cannot be ruled out.
4. Keeping in view the above, the Permanent Medical Board recommends termination of pregnancy at this stage. The samples for DNA profiling as and when she aborts to be handed over to the police following the protocols.”

Permanent Medical Board has recommended termination of pregnancy. Report dated 09.09.2021 of the Board is taken on record subject to just exceptions.

Keeping in view categoric opinion of the Permanent Medical Board for Medical Termination of Pregnancy, PGIMER, Chandigarh as above, medical termination of petitioner's daughter is permitted. Victim shall remain present at the office of Medical Superintendent, PGIMER, Chandigarh tomorrow i.e. 11.09.2021 at 11.00 a.m. Necessary arrangements in this respect shall be made by respondent No. 3 – Child Welfare Committee, Ludhiana and official/employee of respondent

No. 4 shall accompany the victim to PGIMER, Chandigarh and remain with her till she is transported back to respondent No. 4. Medical assistance and treatment be provided to her at PGIMER, Chandigarh at State expense. Needless to say samples for DNA profiling shall be retained in accordance with law.

Writ petition is, accordingly, disposed of.

Copy of this order be supplied to learned counsel for the parties under signatures of Bench Secretary of this Court.

September 10, 2021
rts

(Lisa Gill)
Judge

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