

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

203

**CWP No.18295 of 2021 (O&M)
Date of decision : 20.09.2021**

Preety Chalag and another **.....Petitioners**

Verus

Union of India and another **.....Respondents**

Coram: HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

Present : Mr. Devinder Kumar, for the petitioners.

Mr. Satya Pal Jain, Additional Solicitor General of India with
Ms. Shweta Nahata, Advocate for respondent No.1.

Mr. Prateek Gupta, Advocate, for respondent No.2.

Rajbir Sehrawat, J. (Oral)

This petition has been filed under Articles 226/227 of the Constitution of India seeking issuance of a writ in the nature of mandamus, directing the respondents to abort the pregnancy of petitioner No.1 to save her life, to get ride from irreparable pain which both the petitioners will have to face in upcoming future and further future negative consequences.

Vide order dated 15.09.2021, this Court had requested the Permanent Medical Board, PGIMER, Chandigarh to carry out the medical examination of petitioner No.1; with following request :-

“Let petitioner No.1 be examined by the Permanent Medical Board constituted at PGIMER, Chandigarh. The Board is requested to furnish its opinion qua the development and problem of the fetus and also qua desirability of the termination of the pregnancy; before the next date of hearing.”

Pursuant to the above said order, the report has been received

from the PGI, which has categorically recommended the medical termination of the pregnancy in view of the conditions of the fetus. The report, prominently reads as under :-

“1. The petitioner is a 32 yrs old multigravida with previous normal delivery, one and half yrs back. As per the ultrasound done on 16/09/2021, the period of gestation is 22 weeks +5 days with single live intrauterine pregnancy weighing 565+23gms **with Cardiac anomaly in form of Right Ventricular Hypertrophy with large sub-aortic VSD and overriding of aorta with non-visualization of main pulmonary artery (MPA)**. Foetal Echo is advised.

2. Foetal echo done on 16/09/2021 shows **large VSD with truncus arteriosus** which is a cardiac anomaly not correctable with surgery.

3. The patient is mentally stressed due to carrying a pregnancy wherein the fetus is affected with congenital malformation and does not wish to continue this pregnancy.

4. The patient has been examined and found to be a known case of diabetes on Insulin and oral Hypoglycaemic agent. Her sugar status is under control and there are no medical contraindications for termination of pregnancy.

5. The Permanent Medical Board recommends that this patient may undergo medical termination of pregnancy at this stage in view of **large VSD with truncus arteriosus** which has poor outcome and not compatible with normal life. We also wish to bring to the knowledge of the Hon'ble High Court that the medical termination of pregnancy at an advanced gestation of 22 weeks+5 days carries more than the usual risks which have been explained to the patient.

6. The Board also advises ultra sound guided injection of Potassium Chloride (KCI) into the fetal heart prior to abortion. This is as per the Royal College of Obstetricians & Gynecologists (RCOG) guidelines (Termination of pregnancy for fetal abnormality, 2010), when medical abortion is performed after 21 weeks + 6 days of gestation for fetal abnormalities, ultrasound guided injection of Potassium Chloride into the fetal heart is advised prior to abortion to prevent a live birth.

7. The board advises that the doctors carrying out the medical termination of pregnancy perform fetal autopsy and genetic tests from fetal DNA, to guide the patient in her future pregnancies.”

A perusal of the report of the Permanent Medical Board of the PGIMER, Chandigarh suggests that the patient may undergo medical termination of pregnancy at this stage in view of large VSD with turncus arteriosus which has poor outcome and not compatible with normal life.

In view of the above, the present petition is allowed. The petitioner No.1 is permitted to get the pregnancy terminated. The PGIMER, Chandigarh may proceed further for Medical Termination of Pregnancy by adopting all the safety measures and procedural protocol, as recommended by the Medical Board.

Let the necessary procedure be carried out at the earliest possible so as to avoid any further complications and danger to the life of petitioner No.1.

(RAJBIR SEHRAWAT)
JUDGE

20.09.2021

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Speaking/Reasoned	:	Yes/No
Reportable	:	Yes/No