

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-40319 of 2021

DECIDED ON:12th October, 2021

Usha Singh @ Dharamwati

.....PETITIONER

VERSUS

State of Haryana

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN.

Present: Mr. Puneet Kakkar, Advocate for petitioner.
Ms. Dimple Jain, AAG, Haryana.

AVNEESH JHINGAN, J (ORAL)

Due to COVID-19 situation, the Court is convened through video conference.

This petition under Section 438 Cr.P.C. is filed seeking anticipatory bail in case of FIR No. 436 dated 17.12.2020, under Sections 420, 336 (Sections 120-B, 467, 468, 471 IPC of 1860 have been wrongly mentioned in impugned order) and Sections 3, 4, 5 MTP Act, 1971, 15 (2) 15(3) IMC Act, 1956, 18A, 18C, Drugs Cosmetics Act, 1945, registered at Police Station Saran, Faridabad, District Faridabad.

A secret information was received that Dr. S.P. Singh and his wife Dharamwati @ Usha Singh (petitioner) were running a clinic in the name of Usha Nursing Home (for short 'Nursing Home') at Nangla Enclave, near Bhadana Chowk, Faridabad. In spite of fact that they were not possessing required medical qualification, illegal termination of pregnancy were being performed by them. A team was prepared and a decoy customer went to Nursing Home with Dheeraj posing as her husband. They talked to Dr. S.P.Singh and petitioner for termination of pregnancy of the decoy customer. Petitioner conducted the check up of the decoy customer. Dr. S.P. Singh on a slip recommended her to undergo an ultrasound at Pawan

Ultrasound, Gurudwara Road, Faridabad. Ultrasound was conducted and report was given. The decoy customer returned to Nursing home and Dr. S.P. Singh after perusing the ultrasound report settled an amount of Rs.15,000/- for termination of her pregnancy. Decoy customer was called on the next day. On 16.12.2020, team took the decoy customer to Nursing Home. She along with her posed husband met Dr. S.P.Singh and thereafter preparation were started for termination of pregnancy. She was made to sit for 30-35 minutes. On talking to someone on mobile Mr. S.P. Singh became suspicious and gave a slip to her to go to Shri Ji Life Line Hospital for termination of pregnancy. Shri Ji Life Line Hospital refused to terminate the pregnancy. Decoy customer alongwith team returned to Nursing Home, Dr. S.P.Singh was treating patients. He was asked to produce his certificates for practising as a Doctor, he failed to do so. From the Nursing Home, allopathic medicines, instruments used for abortion and injections were recovered in big quantity for which no bill was produced.

Learned counsel for the petitioner submits that the petitioner was not named in the FIR. She was not present at the spot. The ultrasound was done at Pawan Ultrasound and abortion was not done in the Nursing Home. He relied upon the fact that the husband of the petitioner was granted regular bail by the Sessions Court. He further submits that Nursing Home was given on rent, reliance is placed upon a rent agreement dated 30.1.2014.

Learned State counsel submits that the Nursing Home is in the name of the petitioner and at the time of raid she fled. There was heavy recovery of instruments and medicines used for termination of pregnancy. She further submits that both husband and wife were not qualified for treating patients yet they examined the decoy customer and in routine also were treating the patient also performing termination of pregnancy.

Acting on secret information, after forming a team decoy customer

who was pregnant approached the Nursing Home, she was examined by Dr. S.P. Singh and petitioner for termination of pregnancy. It is not being disputed by the petitioner that she and her husband are not qualified doctors. The contention that the petitioner was not named in the FIR and was not present at the spot, does not enhance the case of the petitioner for grant of anticipatory bail. There was a specific secret information naming the petitioner. She had physically examined the decoy customer. The Nursing Home is in her name. From the perusal of rent agreement produced, it is forth coming that it is of 2014 and was for 11 months. It is an unregistered document. There is nothing on record to show that rent agreement was extended thereafter.

The contention that the abortion was not actually done at the Nursing home is to be weighed at the time of trial. The fact remain that as per the case set up amount for abortion was settled, the lady was examined, she was sent for an ultrasound. It would not be appropriate at this stage for this Court to expound on the merits of the case. It is a case where the lives of the citizens are put to stake. Custodial interrogation would be necessary to unearth the *modus-operandi*. The contention that the husband of the petitioner has been granted regular bail itself will not be a ground to grant anticipatory bail to the petitioner. Her role and activity in the Nursing Home is yet to be determined.

Dismissed.

However, it is clarified that nothing stated hereinabove shall be construed as an observation on the merits of the case.

(AVNEESH JHINGAN)
JUDGE

12th October, 2021

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<i>Whether speaking/reasoned</i>	<i>Yes</i>
<i>Whether reportable</i>	<i>Yes</i>