

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

**CWP No. 2803 of 2022
Date of decision: 15.02.2022**

J. Petitioner.

Versus

State of Haryana and others Respondents.

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Abhimanyu Singh, Advocate, for the petitioner.

Mr. Sharad Aggarwal, AAG, Haryana, for respondents No.1 to 4.

ANUPINDER SINGH GREWAL, J. (ORAL)

Heard through video conferencing.

The petitioner is seeking a direction to respondent No.4 to terminate her pregnancy.

Learned counsel for the petitioner contends that the petitioner is a 28 year old divorced lady with a 10 year old child. She was allegedly raped for which FIR No. 26 dated 12.01.2022 has been registered at Police Station Tehsil Camp Panipat. She is 12 weeks pregnant and wants to get her pregnancy terminated. He also contends that the tissue of the foetus be preserved for DNA test.

Issue notice to respondents No. 1 to 4.

At the asking of the Court, Mr. Sharad Aggarwal, AAG, Haryana, accepts notice on behalf of respondents No. 1 to 4.

After hearing learned counsel for the parties, I am of the considered view that there does not seem to be any impediment in getting the

pregnancy of the petitioner terminated. In terms of the provisions of the Medical Termination of Pregnancy (Amendment) Act, 2021, the Medical Board is to examine the risk to the woman before the termination of pregnancy if the pregnancy exceeds 20 weeks. In the instant case, the petitioner is a 28 year old lady and her pregnancy is only of 12 weeks.

In view of the above, the petition is disposed of with a direction to respondent No. 4 that in the event of the petitioner approaching him, he shall constitute a Board to get her medically examined. In case there is no threat to her life and if she consents, necessary arrangements would be made for the medical termination of the pregnancy of the petitioner. The tissue of the foetus would be preserved for DNA testing.

(ANUPINDER SINGH GREWAL)
JUDGE

15.02.2022
Ramesh

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