

SALOCHNA DEVI

...PETITIONER

VERSUS

STATE OF PUNJAB

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. Munish Gulati, Advocate for the petitioner.

Mr. Hittan Nehra, Addl. AG, Punjab.

VIVEK PURI,J. (ORAL)

Custody certificate of the petitioner has been circulated today and the same is taken on record.

Salochan Devi-petitioner is seeking regular bail in the case bearing FIR No.311 dated 11.12.2021 under Sections 6(a)/23 of the Pra-natal Diagnostic Techniques (Regulations and Prevention of Misuse) Act, 1994 read with Sections 312/511 IPC, registered at Police Station City Sri Muktsar Sahib.

Learned counsel for the petitioner contends that the allegations against the petitioner are to the effect that the pregnant lady was being medically examined under the supervision of the co-accused, namely, Dr. Vasundhra Singh. In the event, the patient was carrying female fetus, she was visiting the petitioner who was working as a midwife and she had been conducting the abortion to terminate the pregnancy. In the instant case, the raid was conducted by the team constituted by the Civil Surgeon, Sri Muktsar Sahib. It has been argued that the petitioner has no concern with the hospital being run by the co-accused. Even, the co-accused has been granted pre-arrest bail, only some equipments have been recovered and furthermore, no pregnancy of the patient was terminated in

she is on bail in that case.

Learned State counsel has opposed the bail application on the score that there are serious allegations of female foeticide attributed against the petitioner and out of 34, only examination-in-chief of one witness has been recorded.

Custody certificate indicates that the petitioner is in custody for a period of 11 months and 13 days. Although, she is involved in another similar case but is stated to be on bail in that case. The allegations against the petitioner are only to the effect that she had been conducting the abortion of the ladies carrying female fetus. In the instant case, no abortion has been actually carried out. So far, examination-in-chief of one witness, out of 34 witnesses has been recorded. The co-accused is stated to be on bail. The conclusion of trial is likely to take sometime. No fruitful purpose will be served by detaining the petitioner in further custody. As such, sufficient mitigating circumstances are made out to extend the concession of bail to the petitioner.

Without expressing any opinion on the merits of the case, the instant petition is allowed. The petitioner is ordered to be released on bail on her furnishing requisite bail bonds to the satisfaction of the learned trial Court/Duty Magistrate concerned.

The petition is allowed accordingly.

22.11.2022
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(VIVEK PURI)
JUDGE

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