

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM-M-20317-2022 (O & M)

Date of decision:04.07.2022

Pritam

..... Petitioner

V/s

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Keshav Pratap Singh, Advocate, for the petitioner.

Mr. Vikrant Pamboo, DAG, Haryana.

JASJIT SINGH BEDI, J. (Oral)

The prayer in the present petition is for the grant of regular bail to the petitioner under Section 439 Cr.P.C. in a case bearing FIR No.107 dated 16.02.2022 under Sections 3, 4, 5 of the Medical Termination of Pregnancy Act, 1971, 15(2), 15(3) of Indian Medical Council Act, 1956 and Section 420 IPC registered with Police Station Gharaunda, District Karnal.

The allegation against the petitioner is that he was running a Nursing Home by the name of Golden Nursing Home Railway Road, Gharaunda where illegal abortions were being conducted. As per the FIR, one Chandni Kumari wife of Alok Kumar Patel came to the aforesaid Nursing Home where she was told that her foetus had to be aborted. During her presence/admission in the Nursing Home, a raid was conducted where she disclosed all the facts to the raiding party. Thereafter, the FIR came to be registered and on the basis of the investigation conducted, the challan was

The learned counsel for the petitioner contends that the allegations levelled against the petitioner are baseless. In fact, he is only a care-taker of the Nursing Home and has not played any active role in the commission of the alleged offence. He contends that he has taken the said Nursing Home on lease from the owner, namely, Punit Vig from 01.06.2021 to 30.04.2022, and even otherwise, the day-to-day functioning of the Nursing Home was to be carried out by the doctors and staff of the Nursing Home. He contends that the petitioner is in custody since 16.02.2022 and as the trial is not likely to be concluded in the near future, the further incarceration of the petitioner is not required.

The learned counsel for the State, on the other hand, contends that the petitioner has committed a serious offence. In fact, he is the owner of the Nursing Home and illegal acts were being committed therein for which the petitioner cannot absolve himself of his liability. He, however, admits that the petitioner is in custody since 16.02.2022 and no other criminal case is pending against him.

I have heard the learned counsel for both the parties at length.

Admittedly, the petitioner is in custody since the last almost 05 months. It would be a matter of adjudication during trial as to whether the petitioner has committed an offence under the PNDT Act or not.

However, keeping in view the period of custody undergone by the petitioner as also the fact that the next date fixed for framing of charges is 16.11.2022, the further incarceration of the petitioner is not required, moreso in the light of his clean antecedents.

In view of the above, without commenting upon the merits of the case, the present petition is allowed and the petitioner, namely, Pritam is ordered to be released on bail subject to his furnishing bail bonds and surety bonds to the satisfaction of the Trial Court/Duty Magistrate, concerned.

(JASJIT SINGH BEDI)
JUDGE

July 04, 2022
sukhpreet

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No