

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

**218**

**CRM-M-27896-2022**

**Date of Decision:24.08.2022**

**DR. ANIL KAUSHAL**

**...PETITIONER**

**VERSUS**

**STATE OF HARYANA**

**...RESPONDENT**

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present: Mr. Aman Pal, Advocate for the petitioner.

Mr. Ashok Kumar Sehrawat, DAG, Haryana.

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**SUVIR SEHGAL, J.(ORAL)**

Vide the instant petition filed under Section 438 of Code of Criminal Procedure, 1973, the petitioner seeks anticipatory bail in case FIR No.193 dated 02.05.2022, Annexure P-1, registered under Sections 03, 04, 05 of Medical Termination of Pregnancy Act, 1971; Sections 18 A, 18 C of Drugs and Cosmetic Act, 1940; Sections 312, 315, 420 of IPC, 1860 and Sections 15 (2), 15 (3) of Indian Medical Council Act, 1956, at Police Station Sector 14, Panchkula.

On 01.07.2022, this Court passed the following order:-

*“Learned counsel for the petitioner, at the very outset, relies upon order dated 06.06.2022 passed in CRM-M-23943-2022, vide which wife of the petitioner, namely Dr. Sarita Kaushal, has been granted the concession of regular bail. The operative part of the order reads as under:*

*“Learned Senior counsel submits that the petitioner is a qualified naturopath and is running her NGO from the same premises from where her doctor husband (co-accused) is running his nursing home. He submits that the false implication of the petitioner in the instant case is evident from the fact that neither was she named in*

*the FIR in question nor attributed any role therein qua the alleged termination of the pregnancy of co-accused Sheela. Learned Senior counsel further submits that the petitioner was nominated as an accused in the instant case on the basis of totally inadmissible evidence i.e. some statements made by co-accused inculcating the petitioner in the alleged crime as well as her own confession made to the said effect. In addition to this, learned senior counsel submits that the prosecution has relied upon some entries in a diary allegedly recovered from the nursing home, to link the petitioner in the alleged crime. He submits that in the said diary there was an entry to the effect that co-accused Sheela had been treated for stomach ache and charged Rs.60/- but therein also there was no such noting from which it could be inferred that it was the petitioner who had treated co-accused Sheela or charged Rs.60/- from her. Learned Senior counsel submits that other than the above, there is no other cogent evidence or material on record, which could in any way link the petitioner with the alleged termination of pregnancy of co-accused Sheela. Learned Senior counsel still further submits that the petitioner has been in custody since 02.05.2022 and the trial will take considerable time to conclude.*

*On the other hand, learned State counsel while opposing the prayer and submissions made by the learned Senior counsel, submits that the petitioner as per her own statement made before the investigating agency admitted that she had played an active role in the crime in question. He submits that the petitioner illegally terminated the pregnancy of co-accused Sheela as a result of which she developed septicemia. He further submits that even the coaccused specifically named and attributed a role to the petitioner which finds credence from the diary, recovered from the nursing home and points to the participation of the petitioner in the crime in question. Learned State counsel submits that no doubt it was not specifically mentioned in the diary that the petitioner had treated the co-accused and carried out the termination of pregnancy, but it was discernible that Rs.60/-, was charged by both the petitioner and her husband for carrying out the procedure and intentionally it had been noted in the diary that it was for stomach ache.”*

*Learned counsel for the petitioner further submits that the petitioner was not present at the spot and the primary allegation against him is of conspiracy.*

*Notice of motion for 24.08.2022.*

*Meanwhile, in the event of arrest, the petitioner be released on interim bail subject to his furnishing personal bonds and surety to the satisfaction of Arresting/Investigating Officer. However, the petitioner shall join the investigation as and when called upon to do so and shall abide by the conditions as provided under Section 438 (2) Cr.P.C.”*

Upon instructions from ASI Mahipal, State counsel submits that the petitioner has joined the investigation and is no longer required for custodial interrogation.

In view of the above, present petition is allowed and the order dated 01.07.2022 granting interim bail to the petitioner is made absolute, subject to the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

24.08.2022  
*sheetal*

(SUVIR SEHGAL)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether Speaking/Reasoned | Yes/No |
| Whether Reportable        | Yes/No |