

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

CRM-M No.24053 of 2023

Date of decision: 11th May, 2023

Sarif

... Petitioner

Versus

State of Haryana

... Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. Sanyam Khetarpal, Advocate for the petitioner.

MANJARI NEHRU KAUL, J.

The petitioner is seeking the concession of bail under Section 438 Cr.P.C. in case FIR No.185 dated 30.04.2023 under Sections 3/4/5 of the Medical Termination of Pregnancy Act, 1971; Sections 15(2)/15(3) of the Indian Medical Council Act, 1956; Section 7 of the Essential Commodities Act, 1955; Sections 18/27 of the Drugs and Cosmetics Act, 1940 and Sections 120-B/336/420 IPC registered at Police Station Faridabad NIT, District Faridabad.

Learned counsel for the petitioner inter alia contends that a perusal of the FIR, which has been annexed as Annexure P-1, clearly reveals that totally vague allegations have been levelled therein, which on the face of it do not inspire confidence. He further submits that the petitioner came to be nominated as an accused on the basis of a disclosure statement made by co-accused, who were apprehended by the police on the spot and such disclosure statement does not carry

much evidentiary value. He still further submits that the petitioner is ready to join investigation and that no useful purpose will be served by sending him behind bars as no recovery is to be effected from him.

Notice of motion.

On the asking of Court, Mr. Chetan Sharma, Dy. Advocate General, Haryana, who is present in Court, accepts notice on behalf of the respondent/State.

Learned State counsel, on instructions, has opposed the prayer and submissions made by the counsel opposite by urging that a secret information was received by the Nodal Officer, PNDT, Faridabad qua illegal medical termination of pregnancies being carried out by co-accused Parbhat, who was working as a Helper in a hospital at Faridabad. He further submits that thereafter, a team consisting of the Nodal Officer, Medical Officer, DCO Faridabad and one decoy lady, who was in an advanced stage of pregnancy, was constituted. Co-accused Parbhat was nabbed along with the tainted money which was handed over to him by the decoy patient. It was during his interrogation, he spilled the beans that MTP kits were being procured and supplied by the petitioner, who was running a clinic at village Badkhal. Learned State counsel submits that co-accused Parbhat and Safrudin, along with the petitioner had been posing as doctors and conducting illegal medical termination of pregnancies of pregnant women with the MTP kits and thus, not only cheating the public but also endangering the lives of pregnant ladies and their foetus. It has

also been submitted that there are call record details collected by the investigating agency between the petitioner who was the main accused and the other two co-accused Parbhat and Safrudin, who were nabbed by the raiding party. Learned State counsel, has thus prayed, that in the circumstances the instant petition deserves to be dismissed as custodial interrogation of the petitioner is required since it has come to light that many such illegal clinics and doctors in the area have been carrying out such illegal medical termination of pregnancies.

I have heard learned counsel for the parties and perused the relevant material on record.

Prima facie, there are serious and specific allegations against the petitioner, who, after posing to be a doctor, has been running an illegal clinic and also supplying MTP kits for carrying out illegal medical termination of pregnancies. This Court concurs with the prayer made by the learned State counsel that in view of the allegations against the petitioner, his custodial interrogation would be necessitated.

Dismissed.

However, it is made clear that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.

(MANJARI NEHRU KAUL)
JUDGE

May 11, 2023
rps

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