

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

CRM-M-45474-2023

Date of Reserve:20.09.2023

Date of Decision:25.09.2023

Mandeep

...Petitioner

Vs.

State of Haryana

...Respondent

Coram : Hon'ble Mr. Justice N.S.Shekhawat

Present: Mr. Sukhbir Singh Goyat, Advocate
for the petitioner.

Ms. Sheenu Sura, Deputy Advocate General, Haryana.

N.S.Shekhawat J.

1. The petitioner has filed the present petition under Section 438 Cr. PC with a prayer to grant of anticipatory bail in case FIR No.204 dated 22.07.2023, under Sections 315,120-B of IPC and Sections 3,4,5 of Medical Termination of Pregnancy Act, 1971 and Section 34 and 54 of National Medical Commission Act, 2019 registered at Police Station Siwani, District Bhiwani (Annexure P-1).

2. The FIR in the present case was got registered on the basis of the complaint, moved to the police by Dr. Rajneesh, Medical Officer, Civil Hospital, Bhiwani. As per the complainant, Civil Surgeon, Bhiwani had received an information that illegal abortions are being conducted at Bharat Medical Hall, Siwani and on 21.07.2023, a team of doctors was constituted by him. At about 09:00 PM on 21.07.2023, a team of Dr. Rajneesh, Medical officer, Civil Hospital, Siwani Smt. Monika, Nursing Officer, Civil Hospital, Siwani, along with three police officials namely ASI Jagdish Kumar, SI prem Kumar and SI Sajjan Singh reached at the abovesaid medical hall and the

shutter of the medical hall was opened. In the first room, medicines were kept and there was a sliding door in the room and on opening the door, there was another room, in which Anju, a patient was lying on the examination table and on her left hand, IV Cannula was fixed. Parmila was also sitting in the sofa adjoining to the table and on asking Anju, she had disclosed that she had pain in her stomach and for that treatment, she had come there. Even Parmila, told that abortion of Anju was conducted there and even the foetus was lying in the pouch, which was held by the Parmila. At about 11:00 PM, other team members Dr. Harender Singh, Senior Medical Officer, Civil Hospital, Siwani, Dr. Sunil Kumar, Sub-Civil Surgeon (PNDT), Civil Surgeon, Bhiwani, Dr. Rekha, Medical officer, CHO Miran also reached at the spot. Even two videos were prepared. From the evidence, it was apparent that the pregnancy of 15 weeks of Anju was terminated at Bharat Medical Hall, Siwani. Even Manjeet son of Balwan was also present there. In fact, they all had reached at about 10:00 AM and one person namely, Mandeep, who was wearing white Kurta Pajama, mixed some injections in glucose and the same were injected to Anju by way of cannula. At about 04:00 PM, a lady Renu checked the private parts of Anju and said that delivery will take some more time and some more injections in glucose were injected in the body of the Anju. Thereafter, at about 05:30 P.M, Renu, Nurse, terminated the pregnancy of Anju at Bharat Medical Hall, Siwani. After termination of pregnancy, she went away and stated that Mandeep, owner of Bharat Medical Hall will provide her medicine. Thereafter, Mandeep also went away from the spot. The team comprising of the doctors and the police officials also found several medicines at the spot and the FIR was registered against Anju, Parmila, Manjeet, Renu, Nurse and Mandeep, proprietor of Bharat

Medical hall.

3. Learned counsel for the petitioner contends that the petitioner has been falsely involved in the present case. In fact, Anju was suffering from pain and she along with her brother and sister had come to the medical hall, which was owned by the petitioner. They had taken certain medicines from there and Anju fell down and had severe pain in her abdomen. Due to her fall, the fetus had been delivered. He further contends that the petitioner was not even present at the place of occurrence. Learned counsel further contends that the co-accused Anju and Parmila have been granted the concession of bail and the petitioner is also entitled to the relief of anticipatory bail.

4. On the other hand, learned State counsel has vehemently opposed the prayer made by learned counsel for the petitioner on the ground that in the present case admittedly, the petitioner is owner of the Bharat Medical Hall, Siwani, where the illegal termination of pregnancy was conducted. Even the termination was done by Anju, Nurse in the presence of the present petitioner. Apart from that, the petitioner owns, "Bharat Medical Hall" and he was well aware of the fact that Renu @ Geeta, Nurse was not competent to conduct the medical termination of the pregnancy. Consequently, keeping in view the gravity of the matter, the petitioner did not deserve the concession of anticipatory bail.

5. Having heard learned counsel for the parties and perused the record, this Court finds force in the submissions made by learned State counsel. It is apparent that the termination of pregnancy was illegally conducted by Renu @ Geeta, Nurse at the Bharat Medical hall, owned by the petitioner. Even when the pregnancy was terminated, the petitioner was present at the spot. At this

stage, there is no evidence to show that the petitioner is not involved in the present crime. Rather the petitioner has been specifically named in the FIR and his custodial interrogation would be necessary, keeping in view the facts and circumstances of the present case. Even, serious and grave offences have been levelled against the present petitioner and the petitioner is not entitled to any relief, as prayer for in the present petition.

6. Consequently, the present petition is ordered to be dismissed.

25.09.2023
hitesh

(N.S.SHEKHAWAT)
JUDGE

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