



101

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-36147-2024 (O&M)
Date of decision: 06.08.2024

Paramjeet Kaur

... Petitioner

Vs.

State of Haryana

... Respondent

CORAM: HON'BLE MR. JUSTICE HARPREET SINGH BRAR

Present: Mr. Yashveer Kharb, Advocate
for the petitioner.

Ms. Geeta Sharma, DAG, Haryana.

HARPREET SINGH BRAR, J. (ORAL)

1. Present petition has been filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 seeking anticipatory bail in case bearing
FIR No.167 dated 17.05.2024 under Sections 18A & 18(c) of Drugs and
Cosmetics Act, 1940, Sections 188, 201, 314, 315, 420, 511 of the Indian
Penal Code, 1860 (for short 'IPC'), Sections 3, 4 & 5 of Medical
Termination of Pregnancy Act, 1971 (for short 'MTP Act') and Section 34
of National Medical Commission Act, 2019 (for short 'NCM Act'),
registered at Police Station Tehsil Camp Panipat, District Panipat.
2. Learned counsel for the petitioner, *inter alia*, contends that
entire medical condition of the mother and foetus was documented and



from the ultrasound, it is clear that the child in the womb was not having amniotic fluid and it is only on the insistence of relatives of the patient, the petitioner continued with the treatment of Jaswinder Kaur. Death of unborn child had occurred not on account of any negligence on the part of the petitioner; rather it had occurred because the relatives of the patient refused to take her to a better hospital.

3. On the last date of hearing, learned counsel for the petitioner was directed to place on record any material to show that a BAMS doctor is competent to conduct surgery.

4. Learned counsel for the petitioner relies upon an order dated 06.11.2023 passed by this Court in CRM-M-31863-2023, granting bail in FIR No.221 dated 13.06.2023 under Sections 3, 4 & 5 of MTP Act read with Section 120-B of IPC, registered at Police Station Pundri, District Kaithal, in which a reference has been made to a communication dated 30.03.2017, in which an exception has been created by Govt. of India vide OM No.M12015/42/2005-MCH dated 19.02.2024 permitting Ayurveda and Homeopathy doctors posted at Government facilities to conduct deliveries and provide basic treatment for complications before referral. It is further contended that the petitioner was having undergraduate degree (BAMS) to perform the delivery.

5. *Per contra*, learned State counsel opposes the prayer made by the petitioner on the ground that the petitioner is neither qualified to handle the critical cases nor she has any degree to conduct the deliveries.



6. Having heard learned counsel for the parties and after perusing the record of the case with their able assistance, it transpires that the petitioner admitted the critical patient in her hospital on 04.04.2024, who unfortunately died on 05.04.2024 and during inspection by the Drug Control Officer, dispensary in the hospital was checked and found stocked with huge quantity of allopathic drugs for the sale and distribution and 25 different types of allopathic drugs were recovered in the presence of the petitioner.

7. Keeping in view the fact that investigation of the case is at the initial stage, this Court finds no ground to grant anticipatory bail to the petitioner.

8. Accordingly, present petition is dismissed.

[HARPREET SINGH BRAR]
JUDGE

06.08.2024
vishnu

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No