



IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

229

CWP-24897-2024

Date of decision: 04.10.2024

TXXXX

.....Petitioner

VERSUS

STATE OF UT CHANDIGARH AND OTHERS

.....Respondents

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- None for the petitioner.

Mr. Anil Sharma, Advocate
for respondents No.1 and 2.

Mr. Avinit Avasthi, Advocate and
Ms. Kriti Avasthi, Advocate
for respondent No.3-PGIMER.
(Through Video Conferencing).

VINOD S. BHARDWAJ, J. (Oral)

The petitioner, being a rape victim, had approached this Court for seeking medical termination of the pregnancy. The matter came up for preliminary hearing on 26.09.2024, when the following order was passed:-

The petitioner, who is a rape victim, has approached this Court for seeking termination of her pregnancy which is the outcome of a sexual assault on her.

It is contended that the petitioner does not want to give birth to an unwanted pregnancy as the same would



have a prejudicial impact on her social and economic status as well as her future prospects. It is submitted that the Government Hospital/Civil Hospital, Sector 6, Panchkula, would be nearer to her place.

Notice of motion returnable for 03.10.2024.

Mr. Anil Sharma, Advocate, with Mr. Arav Gupta, Advocate, enters appearance and accepts notice on behalf of respondents No.1 and 2/U.T. Chandigarh and Mr. Anil Kumar Sharma, Advocate, enters appearance and accepts notice on behalf of respondent No.3/PGIMER.

Since it is submitted that the Government Hospital/Civil Hospital, Sector 6, Panchkula, would be convenient being nearer to the place of petitioner, Mr. Vivek Saini, Addl. A.G. Haryana, who is present through video conference, on the asking of the Court, accepts notice on behalf of the State of Haryana and prays for some time to complete instructions.

Let the petitioner appear before the Civil Surgeon, Government Hospital/Civil Hospital, Sector 6, Panchkula, on 27.09.2024 whereupon the said Hospital should constitute a Medical Board to examine the case in terms of the provisions of the Medical Termination of Pregnancy Act, 1971.

Needless to mention here that in the event of termination of the unwanted pregnancy being feasible, appropriate steps in accordance with law shall be taken by the Medical Board at the Government Hospital/Civil Hospital, Sector 6, Panchkula.

The DNA of the foetus, in the event of termination being carried out, shall be preserved as a part of the evidence for pursuing the pending criminal proceedings.

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A copy of the order be given under the signatures of Bench Secretary for the convenience of the parties and to enable appearance of the petitioner.

For awaiting the report of the Medical Board, to come up on the date fixed.

It was informed by the Counsel for the petitioner that the petitioner had appeared before the Civil Hospital, Sector-6, Panchkula and was referred to PGI, Chandigarh whereupon the matter was adjourned for today to know the actual status.

Mr. Avinit Avasthi, Advocate had entered appearance on behalf of respondent No.3-PGIMER, Chandigarh and he has informed that the patient has appeared on 03.10.2024 and that they have already initiated the process of undertaking the procedure for carrying out medical termination of pregnancy.

In view of the above and noticing that PGIMER, Chandigarh has already initiated the process of carrying out a medical termination of pregnancy, no further directions are required to be issued in the present case.

Disposed of as having been rendered infructuous.

(VINOD S. BHARDWAJ)
JUDGE

OCTOBER 04, 2024*Vishal sharma*

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