



210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-32100-2025
Date of decision : 17.06.2025

SHIV SHARMA

....Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Tarun Sharma, Advocate
for the petitioner.

Ms. Aditi Girdhar, AAG, Haryana.

PANKAJ JAIN, J. (ORAL)

This petition has been filed under Section 483 of the BNSS 2023 for grant of regular bail to the petitioner in case F.I.R. No.0051, dated 26.02.2025 registered for the offences punishable under Sections 3, 4, 5 of Medical Termination of Pregnancy Act, 1971 and Section 34 of National Medical Commission Act, 2019 and Sections 61, 318(3) of BNS, 2023 at Police Station Ambala City, District Ambala.

2. As per the allegations levelled in the FIR, it has been alleged as under:

“At this time Dr.Vipan Bhandari, Nodal Officer PNMT/MTP, Ambala has ASMO come present in the police station and presented a complaint and the contents of which are as under: TO: SHO, PS City, Ambala City. Subject: Regarding complaint to lodge FIR under section 3,4,5 of MTP Act, 318(3) BNS, 61 BNS and 34 NMC Act against 1) Manish Kumar alias Monu s/o Varinder



kumar, r/o 1672/2 Mahavir Nagar Ambala city. 2) Shiv Sharma s/o Jatinder Sharma, r/o 1727/27 Mahavir Nagar Ambala city. 3) Viresh mob no 9988293470 In reference to above mentioned subject, it is informed here that a nexus was being run by various people to supply the MTP kits to the pregnant ladies of District Ambala for the abortion of the unwanted pregnancies. A team was constituted by the Civil Surgeon Ambala to do the needful. A pregnant decoy lady was arranged for the same. The following action was taken regarding this matter: Today on dated 25- 02-2025, as per order of Civil Surgeon, Ambala by vide letter no Endst. No. PNDT/2025/426 Dated: 24-02-2025 on the basis of secrete Information regarding illegal sale of MTP kit for causing illegal abortion of pregnant women in the area for monitory gains, indulging in illegal medical Degree or without practice any Qualification at M/s Sharma Medicose, Shop No. 01, Near Goyal Clinic Ghanour Road Moti Nagar Distt. Ambala. officers/ officials A team Ambala City, of following was constituted: 1. Dr. Vipan Bhandari, ASMO, Nodal Officer PNDT/ MTP. 2. Sh. Hemant Grover, DCO, Ambala. Mrs. Roop Devi W/o Sh. Dalbir singh r/o Ramdass nagar Ambala City has given her consent to join the team and given her statement. On dated 13-02-2025 informer Mr. Bhupinder Singh S/o Sh. Pappu R/o H. NO. 10 New Vivek Vihar Ambala city informed the office of Civil Surgeon Ambala regarding illegal sale of MTP Kits by some people around his home area and being a responsible citizen, he wanted to help the health department to curb such illegal activities/person. Team has asked him to place an order and on 15-02-2025 he paid through Google pay paid Rs. 850/- in the a/c of Mr. Manish @ Monu prop of M/s Sharma Medicose, Shop No. 01, Near Goyal Clinic Ghanour Road Moti Nagar Ambala City, Distt. Ambala on his Mobile No. 7027172227. Today on dated 25-02-2025 at around 4.30 pm onwards informer Mr. Bhupinder Singh S/o Pappu was Sh. sent to Sharma Medicose, Shop No. 01, Near Goyal Clinic Ghanour Road Moti Nagar Ambala City, Distt. Ambala along with decoy patient. He contacted Mr. Manish for which he told Mr Bhupinder to come alone and there is no requirement of pregnant lady to come to the



shop. Team started following them and as per the request of the Sharma Medico person he left the pregnant lady at a distance from that shop and went to take the MTP Kit. Team was waiting at a distance from that spot. After reaching at shop, he asked Mr. Manish to provide the MTP kit as decided then Mr. Manish called person named Mr. Shiv Sharma S/o Sh. Jatinder Sharma R/o Nadi Mohalla Ambala City to bring the MTP Kit for him, and he brought the MTP Kit of which the details are as follows: Product: Prega End (Combi pack of Mifepristone Misoprostol Tablets) Batch No.: Master Batch No. PE0422011, Product Batch No. AFG01548 B-FG02548 Mfg Date: 10/2024, Exp Date: 09/2026, Mrp Rs. 389.00/- PER KITS Inclusive of all taxes Mfg. By: Akums Drugs Pharmaceuticals Ltd., 47-48 Sector-6A Ranipur Haridwar I.I.E, 249403, SIDCUL Uttarakhand INDIA. After that Mr. Shiv Sharma gave the above-mentioned medicine to Manish alias Monu and he wrapped it in a paper envelope and handed it over to Mr Bhupinder and also explained him the procedure to give to pregnant lady for the termination of pregnancy. After that Mr. Bhupinder left the shop and reached to the pregnant lady waiting at a distance and gave a signal to the health department team waiting at a distance. The team reached the spot and confronted the chemist shop proprietor Mr Manish alias Monu and Mr. Shiv Sharma present at the shop regarding trying to conduct an abortion on the decoy pregnant lady and practicing medicine without the proper degree/license. SD xxxx”

3. Counsel for the petitioner refers to order dated 19.05.2025 passed in CRM-M No.25259 of 2025 (Annexure P-3) whereby co-accused Viresh Saxena has been granted regular bail and further submits that the challan already stands presented on 16.04.2025.

4. State Counsel is not in position to dispute the grant of bail to the co-accused vide Annexure P-3.



- 5. I have heard counsel for the parties and have gone through records of the case.
- 6. Without commenting on the merits of the case, keeping in view that the challan already stands presented and the co-accused stands granted benefit of regular bail, granting parity *viz-a-viz* co-accused Veeresh Saxena, the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of the Trial Court/Duty Magistrate concerned.
- 7. Needless to say that anything observed hereinabove shall not be construed to be an expression of opinion on the merits of the case.
- 8. The petition is allowed.

June 17, 2025				(Pankaj Jain)
Dpr				Judge
	Whether speaking/reasoned	:	Yes/No	
	Whether reportable	:	Yes/No	