



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

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CRM-M-42458-2025

Date of decision: 3rd September, 2025

Tushar Saha

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Vinish Singla, Advocate for the petitioner.
(through VC)

Mr. Neeraj Poswal, Assistant Advocate General, Haryana.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 60 dated 06.05.2025 registered under Sections 3, 4, 5 of Medical Termination of Pregnancy Act, 1971 (for short, '*the Act, 1971*'), Section 34 of National Medical Commission Act, 2019 (for short, '*the Act, 2019*') and Section 61 and 318 of Bharatiya Nyaya Sanhita, 2023 (for short '*BNS*') at Police Mansa Devi Complex, Panchkula.

2. As per the allegations, Arti wife of Dinesh was pregnant. As they did not want any child, therefore, they had gone to petitioner who was running a clinic under the name of Bengali Clinic in village Saketri, Panchkula. The petitioner had given some medicines to Arti. Her condition



had worsened. On 02.05.2025, the petitioner advised Dinesh to take his wife to some other doctor at Mohali. He along with Dinesh took Arti to that doctor for abortion. However, after taking medicines, condition of Arti had worsened. She was in severe pain. She was taken to Civil Hospital, Sector 6, Panchkula but was referred to PGIMER, Chandigarh in critical condition. She had undergone a major surgery. Victim Dinesh prayed for taking action against the petitioner. On receipt of his complaint, the civil surgeon, Panchkula passed an order whereby a team comprising of three doctors and some officials/officers of different departments was formed. They visited the clinic of the petitioner. On conducting search of his premises, huge quantity of allopathic medicines were found stocked. The petitioner was apprehended. On interrogation, he accepted that he had given an MTP kit to the victim Arti on 27.04.2025 for the purpose of termination of her pregnancy and had also advised her as to how, to take the medicine. As her condition had worsened, he had taken the victim Arti to some doctor at Mohali where surgery was done. He could not produce any valid degree/diploma authorizing him to practice and to conduct termination of pregnancy or to supply MTP kits. The aforementioned FIR was registered against him. He was formally arrested. Investigation has since been completed.

3. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. The only allegations against him are qua supplying of MTP kit. These allegations do not make out any case for commission of offences punishable under Sections 3,4 and 5 of the Act, 1971 and Section 34 of the Act, 2019. The ingredients for commission of



offences punishable under Sections 61 and 318 of BNS are not attracted against him. He is in custody since long. His custodial interrogation is not required. Nor any recovery is to be effected from him. Trial will take considerable time to conclude. His further incarceration would not serve any useful purpose. It is, therefore, urged that he deserves to be released on bail.

4. Notice of motion.

5. Learned State counsel has advance notice of the petition and is ready to argue the matter. It is submitted by him that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be released on bail. Therefore, it is urged that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length and has gone through the record carefully.

7. The petitioner is alleged to have caused termination of pregnancy of the victim Arti in an illegal manner by firstly giving medicines to her, supplying MTP kit and then by taking her to some doctor in Mohali for her abortion. No MTP Kit or other incriminating material except allopathic medicine have, however, been recovered from his clinic/shop. The subject offences are triable by Magistrate. The petitioner has been in custody since 08.05.2025. Trial will take considerable time to conclude. No useful purpose would be served by keeping in him custody anymore. It is well settled proposition of law that bail is the rule and jail is an exception. Keeping in view the above discussed facts but without meaning to make any comment on the merits of the case lest they prejudice the trial, this Court is of the opinion that a case for release of the petitioner on bail is made out.



Accordingly, the petition is allowed and the petitioner is ordered to be released on bail subject to his furnishing personal as well as surety bonds of two sureties to the satisfaction of the learned trial Court and further subject to giving details of his present/permanent address, cell phone number and Aadhar Card, at the time of furnishing bonds before the learned trial Court.

8. In case the petitioner is found involved in the commission of a similar offence in future, the prosecution shall be at liberty to seek cancellation of the bail granted to him.

9. Since the main petition has been allowed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

3rd September, 2025

Parveen Sharma

1. Whether speaking/ reasoned	:	Yes / No
2. Whether reportable	:	Yes / No