



CWP-26762-2025

-1-

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

(203)

**CWP-26762-2025
Reserved on 12.09.2025
Pronounced on 22.09.2025**

TXXX (SINCE MINOR) THROUGH HER FATHER ... PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Manish Boora, Advocate and
Mr. Ankur Goyat, Advocate for the petitioner.

Mr. Ravish Kaushik, Additional Advocate General, Haryana
for respondent No.1.

Mr. Abhishek K. Premi, Advocate
for respondent No.2-PGI.

Mr. Anmol Partap Singh Mann, Advocate, amicus curiae.

SUVIR SEHGAL, J.

1. Petitioner has approached this Court *inter alia*, for issuance of a writ in the nature of mandamus, referring her to the Permanent Medical Board, PGIMER, Chandigarh or any other Government/Private Hospital, calling for a medical evaluation report and for directing the respondents to terminate her pregnancy.

2. Petitioner, a 14 year old school going girl, has been a victim of sexual assault. Her mother lodged an FIR bearing No.0641, dated 18.08.2025, Annexure P-1, under Sections 4(2) and 6 of Protection of Children from Sexual Offences Act, 2012 (for short "POCSO Act") and Section 65(1), BNS,

**CWP-26762-2025****-2-**

2023 on the suspicion that she is pregnant. Request has been made to initiate action against the wrong doer. Petitioner was admitted at District Civil Hospital, Hisar on 18.08.2025 and from the medical examination report, Annexure P-2, it transpired that gestation period of pregnancy was 28 $\pm$ 2 weeks. Petitioner submitted an application dated 25.08.2025, Annexure P-4, to the CMO, Government Hospital, Hisar through her mother requesting for an abortion. While discharging her from the hospital on 29.08.2025, Annexure P-5, the Board of Doctors decided that decision to terminate of pregnancy will be taken on the basis of what Court decides. In these circumstances, petitioner has approached this Court.

3. On 09.09.2025, this Court issued notice on the petition and directed the petitioner to appear before the Permanent Medical Board of PGIMER on the next day with a request to the Board to examine the petitioner and submit a report regarding the feasibility of termination of pregnancy. Mr. Anmol Partap Singh Mann, Advocate, was requested to assist the Court as also to interact with the petitioner and her parents and apprise the Court about the outcome.

4. Pursuant thereto, a report dated 11.09.2025 has been received from the Medical Board, PGIMER, which is reproduced hereunder:-

“No/Apha/PGI/25/148

Dated 11/09/25

Report of the Medical Board

As per the court order vide CWP-26762-2015 dated 09.09.2025, in case CWP-26762-2025, TXXXX (SINCE MINOR) THROUGH HER FATHER XXXXX V/S STATE OF HARYANA AND OTHERS which was received in the Medical Superintendent Office on 10.09.2025, The medical board to submit report regarding the feasibility of termination of pregnancy. The patient reported to PGIMER, Chandigarh on



CWP-26762-2025

-3-

10.09.2025 at 10:30 a.m.

Details of the patient:

- 1. Name of the patient: Unknown
- 2. Age: 14 years (based on Adhaar card number - 4266 4187 4130, DOB-07/08/2011)
- 3. CR Number : 202504087959
- 4. Admission No. 2025076118

The patient was evaluated by the Permanent medical board in its meeting held on 11-9-2025 and findings of the board are as following:

- 1. The patient is Primigravida. As per the medical records, patient is currently 31 weeks $\pm$ 2 days. As per the ultrasound done on 11.09.2025, there is a single live intra-uterine foetus with AUA 29 weeks 06 days and EFW 1511 $\pm$ 224 grams. No gross congenital malformation seen.
- 2. Medical examination was conducted on the patient and she had abnormal pulse rate and blood pressure (PR-104/min, B.P. 100/20 mmhg) for this she needs detailed evaluation by a cardiologist (ECHO Cardiography, etc). Hence, she is medically unfit for MTP.
- 3. The detailed psychiatric evaluation done is suggestive of psychological distress due to her current situation, however on cross sectional evaluation she does not report of depressive symptoms, anxiety symptoms and suicidal ideas. She will require further psychological assessment, monitoring and support.
- 4. Keeping in view her current medical condition and advanced stage of pregnancy termination of pregnancy is NOT recommended.
- 5. In view of the above the Permanent medical board DOES NOT recommend termination of pregnancy at this stage. The medical board suggest that, if the family desires the victim may be admitted in PGIMER and provided further medical support till delivery.

S.No.	Name	Signature
1	Prof. Rashmi Bagga, Chairperson	Sd/-
2	Prof. Kanya Mukhopadhyay, Member	Sd/-



CWP-26762-2025

-4-

3	<i>Prof Y.S. Bansal. Member</i>	<i>Sd/-</i>
4	<i>Prof Shefali K Sharma, Member</i>	<i>Sd/-</i>
5	<i>Prof. Tulika Singh, Member</i>	<i>Sd/-</i>
6	<i>Dr. Nidhi Chauhan, Member</i>	<i>Sd/-</i>
7	<i>Dr. R. Gowthamram, Convener</i>	<i>Sd/-</i>

Date and Time : 11.09.2025 at 2:15 PM”

5. Counsel for the petitioner as well as State have been heard. Mr. Anmol Partap Singh Mann, learned amicus, has also addressed the Court as well as placed on record a short note of his interaction with the petitioner as well as her parents. Petitioner has pressed hard for the termination of the pregnancy. Reference has been made to the judicial precedents to urge that even though time line provided under the Termination of Pregnancy Act has exceeded, this Court, in exercise of the writ jurisdiction, has the power to grant permission to terminate the pregnancy. Reference has also been made to the willingness of the petitioner as well as her parents in this regard. However, this Court is not inclined to accept the prayer of the petitioner. A detailed evaluation of the patient has been conducted by experts, who have submitted their above reproduced report. The Board has found that the fetus is about 29 weeks and 06 days, but the petitioner has an abnormal pulse rate and blood pressure. The Board has categorically opined that she is medically unfit for termination of pregnancy and has not recommended it. The Board has, however, simultaneously suggested that if the family desires, petitioner can be admitted in the PGIMER and provided further medical support till delivery. In view of the conclusive report submitted by the Medical Board, this Court is not

**CWP-26762-2025****-5-**

inclined to exercise its discretionary power under Article 226 of the Constitution of India and rejects the prayer for the termination of pregnancy.

6. The question, therefore, arises as to what are the directions that can be passed in the above situation. Counsel for the petitioner as well as the State have relied upon various judicial precedents. Mr. Anmol Partap Singh Mann, learned amicus, has also assisted the Court and has placed on record a detailed note of his interaction with the petitioner as well as her parents. After hearing all concerned, this Court deems it appropriate to pass the following directions:-

(i) As is evident from the above report, the authorities of PGIMER, Chandigarh are prepared to admit the petitioner in the Institute and provide her with the medical support till delivery. This Court accepts the offer. Petitioner's father, who was present in the Court at the time of hearing, is also agreeable to the same. It is, therefore, directed that the petitioner be admitted with PGIMER, Sector -12, Chandigarh as and when required and be provided all the medical facility and requisite support till the time she delivers the child.

(ii) The report also depicts that the petitioner needs evaluation by a Cardiologist and a Psychologist. PGIMER authorities are requested to provide said assistance to the petitioner. As the petitioner is victim of a sexual assault, the respondents shall also provide post-delivery care, if so required.

(iii) All the facilities, amenities, consultation etc. shall be provided to the petitioner without levying any fee or charges of

**CWP-26762-2025****-6-**

any nature whatsoever and PGIMER is requested to ensure that a congenial environment is provided to petitioner.

(iv) Noticing that a criminal case has been registered on the allegation of a sexual assault, PGIMER authorities will preserve the DNA sample of the fetus/child after its birth and forward it to the Investigation Officer.

(v) In case, after the delivery of the child, petitioner is desirous of giving the child in adoption, the State of Haryana and its agencies will assume responsibility of the child and take such steps as are necessary to rehabilitate the child, including exercising the option of placing the child in a foster care/adoption by following due legal process of law. This shall not be construed as a direction and would be dependant upon the wishes expressed by the petitioner/her parents at an appropriate stage.

(vi) Haryana State Legal Services Authority is also directed to consider petitioner's case for grant of compensation under Section 396 (4), BNSS or any appropriate scheme and the necessary relief be granted to the petitioner as expeditiously as possible preferably within a period of two months from the date of communication of a copy of this order. Noticing the provisions of the Haryana Compensation Scheme for Women Victims/Survivors of Sexual Assault/other Crimes, 2020, it is directed that an amount of Rs.4 lakhs, the minimum



CWP-26762-2025

-7-

amount prescribed in Schedule-I of the Scheme, be released to the petitioner forthwith as an interim relief. This will be subject to final adjudication of compensation under Section 396 (5), BNSS.

(vii) As the petitioner’s father has expressed an apprehension, it is directed that the identity of the petitioner or her parentage be not disclosed at any stage of any proceeding by the Court, police or any other authority.

(viii) The Registry of this Court is also directed to remove the name of petitioner’s father from the cause title as well as the case status on web portal of this Court as well as from all interim orders passed by this Court.

- 7. With the above directions, writ petition is disposed of.
- 8. A copy of the order be communicated to the PGIMER, Sector -12, Chandigarh through its Director.
- 9. In the end, this Court places on record its appreciation for the labour put in and valuable assistance rendered by Mr. Anmol Partap Singh Mann, Advocate, amicus curiae.

(SUVIR SEHGAL)
JUDGE

22.09.2025
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No