



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

(203)

CWP-38403-2025

Date of decision:- 24.12.2025

GURPREET KAUR

... Petitioner

Versus

STATE OF PUNJAB AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Mukul Goyal, Advocate
for the petitioner.

Mr. Kanav Singla, AAG, Punjab.

Mr. KPS Virk, Advocate
for respondent No.2-PGIMER
(through video conferencing).

Mr. Sumeet Jain, Addl. Standing Counsel, U.T. Chandigarh
Ms. Ekakshra MahajanMandhar, Jr. Panel Counsel
for respondents No.3 and 4.

SUVIR SEHGAL, J. (ORAL)

1. Petitioner, who is a 21-year-old married lady, has approached this Court by way of present writ petition seeking permission to terminate the pregnancy in its second trimester. It has been stated that petitioner was married on 02.05.2025 and has a turbulent relationship with her husband.
2. While issuing notice of motion, this Court vide order dated 22.12.2025, directed the PGIMER-respondent No.2 to constitute a Medical Board and examine the petitioner. The Board was requested to submit a report regarding the feasibility of terminating the pregnancy. Counsel for respondent No.2 has placed on record a copy of the report, which is reproduced



hereunder:-

“Report of the Medical Board

CWP 38403-2025 Gupreet Kaur Vs State of Punjab and others

The patient presented before the Medical Board constituted vide no. EV (9)

PGI-MS-MA-63/2025 dated 23.12.2025 on 23.12.2025 in Control Room,

M.S. office, PGIMER, Chandigarh.

The observations of the Medical Board are as follows:

1. As per the USG done on 23.12.2025 there is single live intra uterine fetus with gestational age 16 weeks + 1 day. There is no congenital malformation.
2. Patient has symptoms of depression and anxiety for the last 6 months, has been undergoing treatment with minimal improvement. She is severely distressed about her pregnancy amidst divorce proceedings. It is recommended that she continues to undergo her psychiatric treatment and counselling. She is psychologically fit to consent.
3. Patient is medically fit to undergo MTP.

Sd/-

Dr. Ramandeep Bansal
Dept of Obst. And Gynae
(Member)

Sd/-

Dr. GSRSNK Naidu
Dept of Internal Medicine
(Co-opted Member)

Sd/-

Dr. Shalini Naik
Dept of Psychiatry
(Member)

Sd/-

Prof. Tulika Singh
Dept of Radiodiagnosis
(Chairperson)

Sd/-

Dr. Ranjana Singh
Dept of Hosp. Administration
(Convener)”

3. It is evident from the above report that medical experts have opined that petitioner is in a fit medical condition to undergo termination of pregnancy. The sole question that requires to be considered is whether her estranged husband’s consent is required before termination. This issue has been specifically dealt with and answered by this Court in **Dr. Mangla Dogra and others V/s. Anil Kumar Malhotra and others 2012(1) RCR (Criminal) 836; Gurdev Kaur V/s. State of Punjab and another 2018 (1) RCR (Criminal) 876** as well as in **Aarti Arora V/s. Fortis Hospital Mohali and others (CWP-75-2025, decided on 13.01.2025)**. Medical Termination of Pregnancy Act, 1971 (for short “the Act”) does not provide for express or implied consent of husband. A married lady is the best judge to evaluate as to whether she intends to continue with pregnancy or get it aborted. Her willingness and consent is all that matters.

4. An examination of the provisions of the Act show that petitioner

fulfills the conditions laid down under Section 3 of the Act. As per medical report, the gestation period of fetus is less than twenty weeks and falls within the maximum period prescribed under the Act. This Court, therefore, does not find any obstacle in permitting the petitioner to undergo abortion. In view of the above, it is directed that petitioner is eligible to get the pregnancy terminated from respondent No.2-PGIMER or any other authorized hospital.

5. Let the petitioner within the next one week, get the medical termination of pregnancy from PGIMER, Sector-12, Chandigarh-respondent No.2 or any other authorized hospital, which must take due care and precaution while conducting the procedure.

6. Writ petition is disposed of.

(SUVIR SEHGAL)
JUDGE

24.12.2025
parul verma

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