



233 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1362-2011(O&M)
Date of Decision: 16.03.2026

Manjit Kaur

...Petitioner

vs.

State of Punjab

...Respondent

Coram : **Hon'ble Mr. Justice N.S.Shekhawat**

Present : Mr.H.C.Batth, Advocate
for the petitioner.

Mr. Bhanu Pratap Singh, Addl. A.G. Punjab.

N.S.Shekhawat J. (Oral)

1. The petitioner has filed the present revision petition against the impugned judgment dated 24.05.2011 passed by the Sessions Judge, Sri Muktsar Sahib and the judgment of conviction and order of sentence dated 16.02.2010 passed by the Court of Judicial Magistrate 1st Class, Sri Muktsar Sahib, whereby the petitioner was convicted for commission of the offence punishable under Section 15(3) of the Indian Medical Council Act, 1956 and was sentenced to undergo rigorous imprisonment for a period of one year and to pay a fine of Rs.1,000/-. In default of payment of fine, she further undergo simple imprisonment for three months.

2. The brief facts of the present case are that on 18.11.2006, a telephonic call was received at P.S. Sadar Muktsar from Harbans Singh Senior Medical Officer, PHC, Chak Sherewala to the effect that he had to conduct a raid in the area of Police Station Sadar, Muktsar. That he might be provided police party for protection. That on receipt of this telephonic message,



ASI Joginder Singh, ASI Harinder Singh, Hon'ble Court Resham Singh, Hon'ble Court Chander Mohan, LC Virpal Kaur, LC Balwinder Kaur, and PHG Satpal, on Government Trax vehicle bearing Registration No. PB-30C-1414, reached triangular point on Ferozepur road near Government College Muktsar, where Dr. Harbans Singh was present with his medical team. That then both the parties conducted a raid at the house of Manjit Kaur wife of Jagjit Singh accused and found that Manjit Kaur had just caused the abortion of Gurpreet Kaur wife of Gurbhej Singh son of Surjit Singh of village Jandoke. That Gurpreet Kaur was lying in the clinic/room in the house of the accused. That instruments for abortion and allopathic medicines were lying there. That Dr. Harbans Singh SMO, PHC Chak Sherewala produced one written application before ASI Joginder Singh, which was addressed to SHO, P.S. Sadar Muktsar. That it was stated in the application that on 18.11.2006, as per letter No.E-1267 of Civil Surgeon, Muktsar, dated 18.11.2006, he alongwith his team and police force raided the house of Manjit Kaur wife of Jagjit Singh at village Jasseana, where Manjit Kaur had caused the abortion of Gurpreet Kaur, wife of Gurbhej Singh at her house in a separate room. That the patient was present in that separate room of house of Manjit Kaur. That the instruments for causing abortion and medicines were also available there. That in this manner, Manjit Kaur had committed the offence by causing the abortion and by using allopathic medicines without any qualification therefor. He requested for taking action against Manjit Kaur and patient Gurpreet Kaur, ASI Joginder Singh made his endorsement on this application and sent the same to the police station through PHG Satpal, whereupon the present case was registered. That the investigating officer entered on the investigation of this case. He took into possession the



medical instruments numbering 1 to 18 and allopathic medicines numbering 1 to 40 as mentioned in the lists prepared by Dr. Ranju Singla of Civil Hospital, Muktsar vide separate memos attested by ASI Harinder Singh and Dr. Raju Singla. That the investigating officer inspected the spot and prepared rough site plan of the place of occurrence. That Manjit Kaur, accused was arrested in this case and informed her grounds of arrested in this case and her arrest memo and personal search memo were prepared, which were signed by the accused and attested by witnesses. The investigating officer recorded the statements of witnesses. That on return to the police station, he deposited the case property which the MHC of P. S. Sadar, Muktsar in the Malkhana in an intact condition. During investigation, Gurpreet Kaur was found innocent. That on completion of necessary investigation, challan was presented against the accused in the Court below.

3. After presentation of the challan, the trial Court found that a *prima facie* case under Section 15(3) of the Indian Medical Council Act, 1956 was made out against the petitioner and she was charge-sheeted accordingly. The petitioner pleaded not guilty and claimed to be tried by the trial Court.

4. During the course of trial, the prosecution examined three witnesses to substantiate the charge against the petitioner. The prosecution examined PW1, Dr. Ranju Singla, Emergency Medical Officer, Civil Hospital, Muktsar. She stated that on 18.11.2006, Dr. Harban Singh, SMO of Village Chak Sherewala received a secret information and on the basis of the same, a team was formed. PW-1 Dr. Ranju Singla was also part of the police team and they raided the house of the accused with the help of police force and at that time, she had just finished an abortion, which was performed by her illegally on



Gurpreet Kaur, a patient, in the clinic made in the house of the petitioner. Even the patient was present in her house at that time. She further deposed that the team along with instruments to perform an abortion and the medicines along with the accused Manjit Kaur and Gurpreet Kaur were brought to the Civil Hospital, Muktsar. She further stated that she had handed over the said articles to the police, vide memos (Ex.PC and Ex.PD), which were signed by her as witness. PW2, Dr. Harbans Singh was posted as SMO in Government Health Centre, Chak Sherewala. He deposed that on the day Civil Surgeon had received secret information on the basis of which he was directed to conduct raid upon the house of accused at her village Jaseana along with his constituted team and police force. He deposed that a team consisting of him, Dr. Ranju Singla, Dr. Kirandeep Kaur and BEE Sukhmander Singh then conducted the raid upon the house of accused present in the Court, where accused Manjit Kaur was found present, who had just performed an abortion of patient Gurpreet Kaur, who also was present in the house of the accused along with the instruments used for this purpose as well as medicines. He deposed that he then had moved an application Ex.PE with regard to conducting of an abortion by the accused to the police which bear his signatures and police had sent this application to the police station through its one of the official for registration of case. He next deposed that Doctor Ranju Singla, in his presence, had prepared the list of instruments and medicines and handed these over to the IO and the IO then had converted the above said articles into separate parcels in a polythene bag and sealed the same with his seal bearing impression 'JS' and seal after use was handed over to another police officer. He deposed that the IO took into police possession the said parcels vide separate memos and his



statement was recorded by the police. He further deposed that accused was not having any certificate to practice in allopathic medicines and the abortion was so performed by her without any licence.

5. PW-3, ASI Harjinder Singh conducted a raid alongwith other officials and police force was sent only for the purpose of safety. He stated that acting upon a telephonic call, he himself, ASI Joginder Singh and other police officials reached at Ferozepur Road, Near Govt. College, Muktsar, where Dr. Harbans Singh along with his team was present and both the parties went to the village Jaseana and conducted the raid at the house of Manjit Kaur, petitioner. The petitioner had just performed an abortion of Gurpreet Kaur in her house, who was also present in the house of the petitioner at that time in a separate room. Even the instruments used in the performing the abortion and medicines were also lying there. Dr. Harbans Singh moved an application Ex.PA to the police, which was sent to the Police Station for registration of the case. Dr. Ranju Singla prepared a separate list of instruments used in performance of the abortion and the medicines and the same were put into separate sealed parcels. The samples of seals were prepared separately. Thereafter, the IO inspected the spot and prepared the site plan of the place of occurrence. The petitioner was arrested and her personal search was got conducted through LHC Veerpal Kaur.

6. After recording the prosecution evidence, the entire evidence was put to the petitioner in the shape of her statement under Section 313 Cr.P.C. and she stated that she had been falsely involved in the present case.

7. In support of her case, the prosecution had examined DW-1 Surjit Singh, who deposed that on 18.11.2006, he was the Sarpanch of the village Jasiana and he knows the accused very well who lives in his neighbourhood. He



deposed that the accused had never practiced in allopathic medicines and had never treated upon any body. He deposed that the accused is a house wife. He admitted that the police had raided the house of the accused and at that time one Inderjit Kaur, ANM, used to reside in the house of the accused as tenant and she was government appointed ANM and used to keep medicines with her as well. He deposed that said Inderjit Kaur also used to administer polio drops and at that time she was not present in the house and taken away her articles and framed a false case against the accused. However, in his cross-examination he admitted that said Inderjit Kaur is resident of village Udekaran and accused Manjit Kaur used to work with her. He admitted that on 18.11.2006, a team headed by Dr. Harbans Singh had raided the house of the accused and at that time, the accused had just performed the abortion of one Gurpreet Kaur.

8. At the very outset, learned counsel for the petitioner submits that he does not wish to challenge the judgment of conviction passed against the petitioner by both the Courts, however, some leniency may be shown, while awarding the sentence on her. Even though, learned counsel for the petitioner has not challenged the judgment of conviction, still this Court has examined the entire case on merits in the light of the evidence led by the prosecution.

9. Learned State counsel contended that the petitioner does not deserve any concession regarding sentence and the present revision petition be dismissed.

10. I have heard learned counsel for the parties and perused the record carefully.

11. In the present case, the prosecution had examined three witnesses to substantiate the charge against the present petitioner. PW1, Dr. Ranju Singla,



had constituted a medical team on receipt of a secret information. She was also member of the team headed by Dr. Harbans Singh, SMO and when the medical team along with the police officials had reached in the house of the petitioner, they found that an abortion was conducted on Gurpreet Kaur and Gurpreet Kaur was also present in one of the room of the house of the petitioner. Even the instruments of abortion and allopathic medicines were also recovered from the house of the petitioner and the same were taken into possession by the police vide memo (Ex.PC and Ex.PD), after preparing the lists (Ex.PA and Ex.PB). Similarly, the statement of PW1 has been duly corroborated by PW-2, Dr. Harbans Singh, SMO. Apart from that, the prosecution had examined PW-3, ASI Harjinder Singh, who was part of the raiding team and proved the case of the prosecution.

12. In order to revert the testimonies of the three prosecution witnesses, the petitioner had examined DW1, Surjit Singh, Sarpanch of the village, Jasiona. However, he had also admitted in his cross-examination that the medical team constituted by PW-2, Dr. Harbans Singh had raided the house of the petitioner and the petitioner had caused an abortion of Gurpreet Kaur at that time. Even though, this witness was produced by the petitioner herself, but he had supported the case of the prosecution. Consequently, in view of the testimonies of PW1, Dr. Ranju Singla, PW-2, Dr. Harbans Singh and ASI Harjinder Singh, PW-3, the prosecution has been able to prove that the petitioner had committed the offence under Section 15(3) of the Indian Medical Council Act, 1956 and the impugned judgments of conviction are ordered to be upheld.



13. Now, advertent to the order of sentence, this Court is conscious of the fact that the petitioner is facing the agony of trial/appeal/revision since 18.11.2006 i.e. for the last more than 19 years. Even from her custody certificate, it is apparent that she had already undergone 01 month and 19 days of actual custody, out of total sentence of one year and was never involved in any other crime. Even the sentence imposed on the petitioner was suspended by this Court on 13.07.2011 and in the last about 15 years, she has consistently maintained good conduct. This Court is of the considered opinion that a lenient view can be taken while imposing sentence on the petitioner. Thus, the sentence imposed on the petitioner is reduced to the period already undergone by her. However, the amount of fine imposed on her shall remain same.

14. With the above modifications, the present revision petition is partly allowed and the judgment of conviction is upheld, whereas, the sentence imposed on the petitioner is reduced to the period already undergone by her and the amount of fine imposed on her shall remain same.

15. Pending applications, if any, stand also disposed of, accordingly.

(N.S.SHEKHAWAT)
JUDGE

16.03.2026
hemlata

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