

2026:PHHC:087905



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

CWP-18877-2026

Date of Decision: 23.06.2026

'A' (minor) through her father

.....Petitioner

VersusUT, Chandigarh and others

.....Respondents

CORAM : HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Dr. Payal Mehta, Advocate, Legal Aid Counsel (HCLSC), for the petitioner.

Mr. Sumit Jain, Addl. Standing counsel (through V.C.) with Mr. Dhruv Walia, Junior Panel Counsel, for respondent No.1 and 3-UT.

Mr. Abhishek Kumar, Advocate
for respondent No.2-PGIMER.

VIKRAM AGGARWAL, J (Oral).

The instant petition, preferred under Article 226 of the Constitution of India, seeks the issuance of a writ in the nature of mandamus directing the respondents to permit the petitioner (who is a minor and a victim of sexual assault) to undergo medical termination of her pregnancy by taking all necessary measures.

2. On 03.06.2026, a Coordinate Bench passed the following order:-

“Notice of motion.

Mr. Abhishek Kumar, Advocate appears on behalf of respondent-PGIMER through video conferencing and submits that the Medical Board regarding medical termination of

pregnancy has been constituted, which shall examine the petitioner and submit its report in that respect by tomorrow.

List on 04.06.2026.

To be shown in the urgent list.”

3. In compliance with the same, report of the Medical Board was filed in which it was opined that the gestation of 31+ weeks did not permit medical termination of the pregnancy under the Medical Termination of Pregnancy Act, 1971 (hereinafter referred to as the ‘MTP Act’) as the foetus was normal. It was also opined that in case, an order was passed by the Court that the pregnancy should be terminated, an attempt would be made to induce labour with an aim to achieve a normal delivery and the new born baby would require specialized neonatal care.

4. On 04.06.2026, a Coordinate Bench observed that the report did not opine as to whether termination of pregnancy at this stage would be safe for the life and health of the mother and, therefore, called for another report in this regard.

5. In compliance with the same, report dated 05.06.2026 was submitted in which it was stated as under:-

“With reference to the directions from the Hon'ble Punjab and Haryana High Court, Chandigarh order dated 04/06/2026 received in the MS office on 04/06/2026 from the Legal cell, PGIMER, wherein PGIMER has been asked to submit report w.r.t. threat to the life of mother, if court allows MTP.

The patient (A) has been medically examined by the Medical Board at PGIMER, Chandigarh Details of the patient:-

Name of the Patient: A

Age: 16 years

CR Number: 202602553563

Opinion of the Medical Board:- The girl is at present 31+ weeks pregnant, and in case termination of pregnancy is advised, she will undergo induction of labour and a preterm childbirth.

Every girl or woman who undergoes childbirth has some threat to her life. This is statistically expressed as MMR or maternal mortality ratio. This is derived as the proportion of maternal deaths per 1,00,000 live births. As per the attached document, the current MMR in India is 88 per 1,00,000 live births. Another parametre is the Maternal Mortality Rate which is calculated as maternal deaths to women in the ages 15-49 per 1,00,000 women in that age group. This rate in India is 5 per 1,00,000 women at present.

As she is under close medical supervision in a tertiary care hospital, every precaution will be taken to minimize any threat to her life.

Continuing her pregnancy further till full term or conducting a preterm delivery is not likely to have any significant effect on the risk to her life which has been quoted above.”

6. Today, learned counsel for the petitioner, on instructions, submits that the petitioner does not wish to get the pregnancy terminated and wants to give birth to the child. However, relying upon the decision dated 22.09.2025 rendered by a Coordinate Bench of this Court in **CWP-26762-2025 titled as “TXXX (since minor) through her father Versus State of Haryana and others”**, learned counsel submits that the petition be disposed of in the same terms since the petitioner would wish to give the child in adoption. Learned counsel also submits that adequate compensation be also paid to the petitioner.

7. Learned Additional Standing Counsel for U.T., Chandigarh and learned counsel for respondent No.2-PGIMER, Chandigarh, submit that they would have no objection in case the petition is disposed of in terms of the directions issued by a Coordinate Bench in CWP-26762-2025 (supra). State has also been submitted that the petitioner is already admitted in PGIMER.

8. I have considered the submissions made by learned counsel for the parties.

9. Concededly, the petitioner is a minor girl, aged 16 years. The father of the petitioner is stated to be suffering from a permanent locomotor disability to the extent of 45% and is earning his livelihood by driving a rented auto-rickshaw. The mother of the petitioner is stated to be working as a house help. The petitioner, on account of forcible physical relations having been established with her, got pregnant. Accordingly, the instant petition was filed, seeking medical termination of her pregnancy.

10. A Coordinate Bench was seized of a similar issue in CWP-26762-2025 (supra), wherein, while issuing the following directions, the writ petition was disposed of:-

“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 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 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."

11. Having considered the matter in its entirety and keeping in view the facts and circumstances of the case, this Court deems it appropriate to dispose of the present writ petition with the following directions:-

- i) Since the petitioner is stated to be already admitted in PGIMER, Chandigarh, the requisite

medical support shall be provided to her by PGIMER, till her delivery.

ii) All facilities, amenities, consultation etc., shall be provided to the petitioner free of charge.

iii) PGIMER, Chandigarh, is requested to ensure that a congenial environment is provided to the petitioner.

iv) Since a criminal case bearing FIR No.71 dated 04.05.2026 had been registered against the accused, the authorities of PGIMER, Chandigarh, will preserve the DNA sample of the foetus/child after its birth and forward the same to the Investigating Officer.

v) In case, after the delivery of the child, the petitioner is desirous of giving the child in adoption, the State of U.T., Chandigarh 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 the due legal process. This shall not be construed as a direction and would be dependent upon the wishes expressed by the petitioner/her parents at the appropriate stage.

vi) State Legal Services Authority, U.T., Chandigarh is also directed to consider the 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. The minimum amount provided for under the victim compensation scheme be released to the petitioner forthwith, in accordance with law.

vii) As learned counsel for the petitioner 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 PGIMER, Court, police or any other authority.

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

12. A copy of this order be communicated to the PGIMER, Sector 12, Chandigarh, through its Director.

13. Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

23.06.2026
ds

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