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

(141)

CWP-39676-2025

Date of decision:-15.01.2026

Sxxxxxxx

... PETITIONER

VERSUS

STATE OF HARYANA AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Sanjeev Sharma, Advocate
Legal Aid Counsel for the petitioner.

Mr. Ravish Kaushik, Additional Advocate General, Haryana.

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

SUVIR SEHGAL, J.

1. Petitioner has approached this Court *inter alia*, for issuance of a writ in the nature of mandamus, to terminate the pregnancy of her 13 year old daughter (hereinafter referred to as “the victim”).
2. The victim has been subjected to sexual assault. Her uncle lodged an FIR bearing No.176, dated 19.12.2025, Annexure P-2, under Section 6 of Protection of Children from Sexual Offences Act, 2012 (for short “POCSO Act”) as well as under Sections 127(2), 351(3), 70(2), BNS, 2023, against Sehrun, Roman, Ansar and Nissi, who allegedly repeatedly raped the minor. The victim was medically examined and a report dated 20.12.2025, Annexure P-3, was prepared by Civil Hospital, Palwal, which revealed that she is



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pregnant. The Medical Officer advised that termination of pregnancy is not safe for the victim. Hence, she has approached the Court by filing the instant petition.

3. On 30.12.2025, this Court issued notice and directed the victim to be admitted in PGIMER, Chandigarh for examination by the Permanent Medical Board. The Board was requested to submit a report regarding the feasibility of termination of pregnancy.

4. Pursuant thereto, a report dated 01.01.2026 has been received from the Medical Board, PGIMER, which is reproduced hereunder:-

“No/MS/26/0001

Dated 01/01/26

Report of the Medical Board

CWP-39676-2025 titled as Sxxxx Vs State of Haryana and others:-

Regarding orders from Hon'ble Punjab and Haryana High Court in the above-mentioned case vide order dated 30.12.2025 in the Hon'ble High Court in the case of minor rape victim in FIR No.0176 dated 19.12.2025 under Section 6 of POCSO Act and Sections 127(2), 351(3), 70(2) of BNS 2023 registered at P.S. Bahin. District Paliwal wherein the court has directed PGIMER to admit the patient and medical examination to be done by Permanent Medical Board, PGIMER.

Details of the patient:

1. Name of the patient: Minor “M” (Unknown)
2. Age: 13 years
3. CR Number : 202505384779
4. Admission No. 2025109981

Following observations were made:

1. As per the ultrasound done on 31.12.2025, there is a single live intra-uterine foetus with POG 28



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weeks + 1 day with EFW 1189 ± 176 gm. No gross congenital malformation seen.

2. The survivor appears to be clinically stable. However she may need 1 PRBC transfusion before procedure in view of Hb 7.7 gm%.

3. On psychiatric evaluation, the child exhibited marked anxiety, emotional distress, social withdrawal, and fearfulness, becoming tearful and inconsolable while recounting the alleged sexual abuse and associated threats. The clinical findings are consistent with a severe post-traumatic stress reaction, directly attributable to the reported sexual trauma, compounded by recent bereavement (death of her father in August 2025) and poor social support.

- The child possesses intact mental capacity to assent to medical procedures; legal consent may be provided by the mother as guardian.

- The child requires long-term trauma-focused mental health support and counselling from their nearest state government-run hospital.

- An intervention from the Child Welfare Committee (CWC) is warranted for urgent protection and care.

4. Neonatology Evaluation: Keeping in view the advanced stage of gestation and condition of fetus there is a high probability that if termination is performed, the fetus may be born live. Baby will be very preterm and likely to have several complications related to prematurity and will require NICU admission and ventilation for prolonged period. All these will lead to significant morbidity in the baby. Hence, medical termination of pregnancy is not advisable.

5. Hence, in view of the above and victim's medical condition the Permanent Medical Board **DOES NOT** recommend termination of pregnancy at this stage. Hence pregnancy should be continued as per the natural course and recommends hospital admission of the victim in a tertiary care hospital for further evaluation and treatment. Samples for DNA profiling as and when she delivers to be handed over to the police following the protocols.



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<i>S.No.</i>	<i>Name</i>	<i>Signature</i>
1	<i>Prof. S.P. Mandal, Member</i>	<i>Sd/-</i>
2	<i>Prof. Kanya Mukhopadhyay, Member</i>	<i>Sd/-</i>
3	<i>Prof. Tulika Singh, Member</i>	<i>Sd/-</i>
4	<i>Dr. Shalini Naik, Member</i>	<i>Sd/-</i>
5	<i>Dr. Ramandeep Bansal, Co-opted Member</i>	<i>Sd/-</i>
6	<i>Dr. GSRSNK Naidu, Member</i>	<i>Sd/-</i>
7	<i>Prof. Seema Chopra, Chairperson</i>	<i>Sd/-</i>
8	<i>Dr. Ranjana Singh, Member</i>	<i>Sd/-</i>

5. Counsel for the petitioner has placed reliance upon judgment rendered by this Court in Txxxx V/s. State of Haryana (CWP No.26762-2025, decided on 22.09.2025) and has requested that similar directions be passed.

6. I have heard counsel for the parties and considered their submissions.

7. Report submitted by the Medical Board has been examined. After a detailed evaluation of the victim by experts, Board has found that the gestation period of the fetus is 28 weeks + 1 day. Board has opined that it is not advisable to terminate the pregnancy considering the medical condition of the victim. She has crossed the upper age limit for termination of pregnancy prescribed under the Medical Termination of Pregnancy Act, 1971. In view of the opinion given by the experts and statutory provision, this Court is not inclined to exercise its discretionary power under Article 226 of the Constitution of India and rejects the prayer for the termination of pregnancy.

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8. In the above background, the question, that arises is as to what can be done for the victim. After hearing all concerned, this Court deems it appropriate to pass the following slew of directions:-

(i) PGIMER, Chandigarh authorities are directed to admit the victim in the Institute and provide her medical support as and when required.

(ii) All the facilities, amenities, consultation etc. shall be provided to the victim without charge of any nature, whatsoever, and PGIMER is requested to ensure that a congenial environment is provided to the victim.

(iii) In case, the victim requires any evaluation by a psychologist or a psychiatrist, PGIMER authorities are requested to provide said assistance to her. As she is victim of a sexual violence, PGIMER shall also provide post-delivery care, if so required.

(iv) As 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, the victim or her guardians are 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

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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 victim/her guardian at an appropriate stage.

(vi) Haryana State Legal Services Authority is also directed to consider victim's case for grant of compensation under Section 396 (4), BNSS or any appropriate scheme and the necessary relief be granted to the victim 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 victim forthwith as an interim relief. This will be subject to final adjudication of compensation under Section 396 (5), BNSS.

(vii) It is directed that the identity of the victim 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 victim's mother from the cause title as well as the case status on web portal of this Court and from all interim



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orders passed by this Court.

9. Writ petition is disposed of.
10. A copy of the order be communicated to the Haryana State Legal Services Authority through its Member Secretary and PGIMER, Sector -12, Chandigarh through its Director.

(SUVIR SEHGAL)
JUDGE

15.01.2026
Parul Verma

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