



CRM-M-27364-2025

-1-

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

230

CRM-M-27364-2025

Date of decision: 3rd September, 2025

Shahid Ali Quaresh

...Petitioner

Versus

State of Haryana

...Respondent

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Salil Dev Singh Bali, Advocate for the petitioner.
Mr. Neeraj Poswal, Assistant Advocate General, Haryana.
Mr. Rajender Kumar, Advocate for the complainant.

MANISHA BATRA, J (ORAL):-

The present petition has been filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short 'BNSS') by the petitioner seeking grant of regular bail in case bearing FIR No. 242 dated 03.06.2024 registered under Sections 304, 314, 120-B and 201 of IPC and Section 5 of Medical Termination of Pregnancy Act, 1971 (for short, '*the Act, 1971*') and Section 15(3) of Indian Medical Council Act, 1956 (for short, '*the Act, 1956*') at Police Station Palam Vihar, District Gurugram.

2. As per the prosecution case, on 03.06.2024, on receipt of intimation about the dead body of one Ritu lying in the mortuary of Civil Hospital, Gurugram after her death in Jannat Hospital, Gurugram, on 01.06.2024, a police party reached there. The complainant Anita mother of the victim-Ritu was found present there, who recorded her statement that on 01.06.2024, her daughter Ritu i.e. victim had left home along with her cousin brother Shivam for the purpose of going to a hospital at Gurugram, as she was complaining of having back pain. Shivam had left her at Palam

**CRM-M-27364-2025****-2-**

Vihar on her asking. The victim called the complainant after some time saying that her MRI was to be done as advised by the doctor and she was getting herself admitted in the hospital, wherein she previously used to work as a nurse. The complainant further alleged that on making a call to her daughter in the evening, she did not respond. Then the complainant made a call to the accused Sanjiv, who previously used to reside in her house as a tenant, to know about well being of her daughter. He responded by saying that he had contacted Ritu and she was fine. The complainant insisted him to let her talk with her daughter but accused Sanjiv represented to her that she was with her friend and did not disclose about her whereabouts to the complainant. Thereafter, he switched off his phone. On 02.06.2024, she came to know that Ritu had died in Jannat Hospital, Gurugram during the course of her treatment. She raised suspicion that her daughter had been killed by accused Sanjiv.

3. After registration of FIR, investigation proceedings were initiated. Post mortem examination of the dead body of the victim was conducted. The accused Manjit Singh, who was driver of accused Sanjiv and who had got the victim admitted in the hospital, was joined into investigation on 07.06.2024 and was arrested. The petitioner was also arrested. They suffered disclosure statements which revealed that the victim was pregnant and for getting her pregnancy terminated, she was admitted in Jannat hospital on 01.06.2024. The petitioner had performed procedure for terminating her pregnancy. Her uterus had been ruptured causing heavy bleeding and her death was occurred due to that reason. It was also disclosed that the accused Sanjiv had paid a sum of Rs. 35,000/- to the petitioner for terminating the pregnancy of the victim. The petitioner was arrested on



09.06.2024. Investigation now stands concluded.

4. It is argued by learned counsel for the petitioner that he has been falsely implicated in this case. He was not even named in the FIR. There are no allegations that he had hatched any conspiracy with the co-accused or that he had performed surgery upon the victim or any medical equipment relating to surgery was recovered from his custody. He has been charge-sheeted for commission of offences punishable under Section 5 of the Act, 1971, Section 15(3) of the Act, 1956 as well as under Section 302 (alternatively under Section 304), 120-B, 201, 314 and 420 of IPC, though neither of these offences are attracted against him. In fact, the victim was brought to his hospital by co-accused Manjit Kumar, who while representing himself to be father of the victim had asked for her treatment. He had advised medication to the victim on 30.05.2024 and then she had left his hospital which is a duly registered one. She had come back to his hospital on 01.06.2024. She was already bleeding at that time. Petitioner had referred her to a hospital with better amenities and she was taken there but expired. Accused Manjit Kumar filled a consent form admitting that the victim was in serious condition. The petitioner had not performed any surgery upon her. The death had occurred due to rupture of uterus but there is nothing on record to show that the same had ruptured due to any act of the petitioner. The co-accused Sanjiv and Manjit against whom there are graver allegations have been extended benefit of bail. On parity, he too deserves to be given the same benefit. It is, therefore, urged that petition deserves to be allowed.

5. Status report has been filed. It is argued by learned State counsel that keeping in view the gravity of the allegations as levelled against the petitioner, he does not deserve to be extended benefit of bail. Therefore,



it is urged that the petition does not deserve to be allowed.

6. This Court has heard learned counsel for the parties at considerable length and has gone through the record carefully.

7. The petitioner is alleged to have fraudulently misrepresented himself as a duly registered medical practitioner. As per the allegations, he was operating a medical establishment under the nomenclature of 'Jannat Hospital', Gurugram. After receiving money from the co-accused Sanjiv and Manjit, he had performed a procedure for termination of pregnancy of the victim Ritu in an illegal manner and in violations of the provisions of law, initially by giving medicines to her and then by performing act without adherence to prescribed medical protocol. The condition of the victim had become critical as her uterus was ruptured due to some incompetent surgical intervention. She had started bleeding profusely and died. The allegations *prima facie* make out a case for commission of offences for which he has been booked and charge-sheeted. The allegations against the petitioner are quite serious in nature. Keeping in view the gravity thereof, the quantum of sentence which the conviction may entail and the attendant facts and circumstances of the case but without meaning to make any comment on the merits thereof, this Court is of the considered opinion that the petition does not deserve to be allowed. Accordingly, the petition is dismissed.

8. Since the main petition has been dismissed, pending application, if any, is rendered infructuous.

[MANISHA BATRA]
JUDGE

3rd September, 2025

Parveen Sharma	1. Whether speaking/ reasoned	:	Yes / No
	2. Whether reportable	:	Yes / Nos