



CWP-7183-2025

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(118)

CWP-7183-2025

Date of Decision : 24.03.2025

Rajbeer Kaur

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. P.P.S. Duggall, Advocate
for the petitioner.

Mr. Pardeep Bajaj, DAG, Punjab.

Mr. Parminder Singh Kanwar, Advocate and
Mr. Karanvir Singh, Advocate for respondent No.2.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant petition, cast under Articles 226/227 of the Constitution of India, a prayer is made for issuance of directions to the Medical Superintendent of the Govt. Hospital, to conduct the medical examination by Board, to ascertain the present status of the fetus/pregnancy, and on the basis of the report of the medical report, to allow the petitioner to further undergo medical treatment, regarding termination of pregnancy, without the consent of her husband.

2. This Court, vide order dated 12.03.2025, had passed the hereinafter extracted order, upon the instant writ petition :-

“The petitioner, who is mother of two children and now having matrimonial discord with her husband-respondent No.2, approached this court by way of this petition, for

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seeking permission to abort fetus of the age of about 10 weeks, without the consent of her husband. At this stage, without going into the merits of the instant case, considering the sensitivity of the matter, this court directs the petitioner to cause appearance before the CMO, Civil Hospital, Gurdaspur on 17.03.2025 by 11.00am. In case, the petitioner causes appearance before the CMO, Civil Hospital, Gurdaspur, the latter shall examine the petitioner by constituting Board of Doctors, as per the provisions of the Medical Termination of Pregnancy Act, 1971.

Thereafter, the CMO, Civil Hospital, Gurdaspur shall inform this court about the age of the fetus, and the medical status of the petitioner, and further to give opinion as to whether, is it safe for the petitioner to undergo procedure for terminating pregnancy. In case, the petitioner requires any medical treatment, the same shall also be given to her at the earliest.

Adjourned to 19.03.2025.

Learned State counsel is directed to inform the CMO, Civil Hospital, Gurdaspur with regard to the order passed by this court.

Copy of this order be given to the counsel for the petitioner as well as to the respondents under the signatures of the Court Secretary.”

3. In deference to the directions (supra), status report dated 24.03.2025, by way of affidavit of Dr. Arvind Kumar, Senior Medical Officer, Civil Hospital, Gurdaspur, District Gurdaspur, Punjab, has been filed by the learned State counsel, today in the Court. The same is taken on the record. Copy whereof, has been supplied to learned counsel for the petitioner.

4. Learned counsel for the petitioner, at the very outset, fairly informs this Court, that during the interregnum period, unfortunately,



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miscarriage of the pregnancy has happened, and therefore, the prayer made in the instant writ petition has been rendered infructuous.

5. Consequently, the instant writ petition is **dismissed as having been rendered infructuous.**

(KULDEEP TIWARI)
JUDGE

March 24, 2025
Manpreet

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