

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

**CWP-7279-2020 (O&M)
Date of decision : 24.4.2020**

Monika Bawa and another

..... Petitioners

VERSUS

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Sanjeev Sharma, Legal Aid counsel,
for the petitioners.

Mr. Sahil Sharma, DAG, Punjab.

Mr. Pardeep Bajwa, Advocate, for respondent No.1.

Mr. Amit Jhanji, Advocate, for respondent No.2.

SUDHIR MITTAL, J. (Oral)

The petitioners are parents of an unborn child. The fetus is 24 weeks' old as on yesterday i.e. 23.4.2020. Medical tests have confirmed that the fetus is afflicted with Down Syndrome. On account of the said medical condition, the writ petition has been filed for a direction that the pregnancy be terminated. The direction has been sought as the statutorily prescribed period of 20 weeks' for termination of a pregnancy has passed.

Vide order dated 22.4.2020, the Permanent Medical Board of respondent No.2 set up for the purposes of examining whether a pregnancy should be terminated or not, was directed to examine petitioner No.1 and give its report in a sealed cover. The report has been received in a sealed cover and has been opened in the presence of counsel. Presence of counsel

has been obtained through video conferencing. The report is taken on record.

According to the report, the fetus being carried by petitioner No.1 has an abnormality known as Trisomy 21 i.e. Down's syndrome and the said abnormality is associated with severe physical and mental handicap and is not compatible with normal life. Thus, a recommendation has been made for termination of the pregnancy as the same is possible without endangering the life of the mother i.e. petitioner No.1. The recommendation is based upon internationally recognized medical guidelines, according to which, termination of pregnancy beyond 22 weeks can also be safely done.

As the procedure sought by the petitioners is safe, even though the statutorily prescribed period is over and in view of a similar judgment of this Court dated 20.9.2019 passed in CWP No.25996-2019 titled as Marjina and another Vs. State of Punjab and others, I consider it appropriate to direct respondent No.2 to terminate the pregnancy of petitioner No.1 as recommended by its Permanent Medical Board.

Petitioner No.1 be admitted forthwith after taking all necessary precautions required due to Covid-19 pandemic. The procedure be performed at the earliest keeping in view the urgency of the matter.

I have been informed that the petitioners are people of limited means and are unable to afford the aforementioned procedure. Thus, respondent No.2 is directed to treat the case as one of a poor patient and give all assistance available for such patients as per policy of respondent No.2.

A copy of this order downloaded from the website of this Court shall be accepted as evidence of the order and action shall be taken in accordance therewith.

**(SUDHIR MITTAL)
JUDGE**

24.4.2020

Ramandeep Singh

Whether speaking / reasoned

Yes / No

Whether Reportable

Yes/ No