

# THE LEGAL LABYRINTH: NAVIGATING THE HUMAN COST OF PROSECUTION UNDER CRIMINAL LAW FOR ABORTION SERVICES IN THE TRIAL COURTS OF PUNJAB

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*Access to safe abortion in India<sup>1</sup> is significantly hindered by a criminalising legal framework. §312 of the Indian Penal Code (‘IPC’), titled “Causing miscarriage”, penalises even voluntary abortions, despite exceptions provided under the Medical Termination of Pregnancy Act, 1971 (‘MTP Act’). The MTP Act permits abortion services under specific conditions, but it only exists as an exception to the overarching criminal law. This article analyses 262 abortion-related cases adjudicated in the trial courts in Punjab between January 2013 and August 2024 to assess the judicial interpretation and application of abortion laws. The authors’ findings reveal widespread judicial misapplication and misinterpretation, with many voluntary abortion services — well within the gestational limits and conditions prescribed by the MTP Act — being subject to prosecution. Alarming, pregnant women who willingly sought abortion services within the legal exceptions of the MTP Act were frequently prosecuted. These cases highlight significant human costs, as §312 of the IPC is often misused by aggrieved spouses in marital disputes to harass pregnant persons and challenge their decisional autonomy. In several cases, spousal consent was erroneously treated as a prerequisite for abortion, undermining the rights and agency of pregnant persons. Additionally, §312 has been wrongly applied in cases involving forced abortions, which should instead invoke §313 of the IPC — a provision explicitly designed to address such a situation. Registered Medical*

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<sup>1</sup> In 2022, the Supreme Court of India in *X v. Principal Secretary* affirmed that access to abortion services is a fundamental right, not only for cisgender women but also for transgender and gender-diverse persons. In this article, the authors use the term “pregnant women” when specifically referring to cases where the litigant is a pregnant woman or when particular sections of legal provisions are involved. However, when making broader, more inclusive arguments, the authors use the term “pregnant persons” to reflect the diversity of individuals who may seek abortion services.

*Practitioners (‘RMPs’) are also frequently prosecuted under §312, even when their actions fall within the legal framework of the MTP Act. This misuse creates a chilling effect, discouraging RMPs from providing lawful abortion services and further restricting access to safe abortion care. The article advocates for the decriminalisation of abortion services and proposes an anti-carceral, intersectional approach to abortion access. Such an approach should prioritise reproductive justice, uphold pregnant persons’ decisional autonomy, and ensure safe, legal, and stigma-free abortion services in India.*

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I. INTRODUCTION

In 2024, in *Swati Pathania v. State of Punjab* (‘Swati Pathania’),<sup>2</sup> a married pregnant woman,<sup>3</sup> Swati, applied for bail under §482 of the Bhartiya Nagarik Suraksha Sanhita (BNSS) for ‘illegally’ terminating her pregnancy — termed ‘illegal’ on the sole ground that she did not obtain her husband’s consent. The complaint was filed by Swati’s husband, the complainant-husband, while Swati, the applicant-wife, had filed a divorce petition, ongoing in the family court. The applicant-wife contended that this case had been filed by her husband with the sole intention to pressurise her to grant him a divorce as per his terms and conditions. The applicant-wife argued that her husband found out about the termination during the course of divorce proceedings. He also vehemently contended in his complaint that his consent was a legal mandate before undertaking a medical termination of pregnancy.

After considering the contentions of both parties, the Gurdaspur District Court denied bail to the applicant-wife, with the reasoning that she had been accused of terminating her pregnancy without seeking her husband’s consent. The District Court further observed that “these allegations are very serious and grave in nature”.<sup>4</sup> The First Information Report (FIR) brought against the applicant-wife recorded by the police included a charge under §312 of the Indian Penal Code (IPC) that contains the offence of “causing miscarriage”. The District Court did not, in its order, inquire or refer to any other abortion laws, nor whether it was, indeed, a legal requirement to obtain spousal consent for abortion service.<sup>5</sup> The requirement for the husband’s consent to terminate a pregnancy has no basis in law at all, and moreover, the District Court ignored the allegations that the complaint was connected to a matrimonial dispute between the parties.<sup>6</sup> The ensuing result of these circumstances was that the accused woman was prosecuted. The District Court denied bail to the pregnant woman, with the reasoning that “keeping in view the gravity of offence involved, the court is of the considered opinion that in case the accused/applicant is granted concession of bail, she might attempt to hamper the process of the investigation and influence the prosecution witnesses in one way or the other”.<sup>7</sup>

The story above reflects an interplay between stigma, discrimination, legal constraints, and legal harassment that create a compounded barrier to accessing abortion services. The societal stigma around abortion often aligns with legal limitations, reinforcing a culture where abortion is viewed with suspicion and moral judgment.<sup>8</sup> This stigma is perpetuated within the healthcare system, where individuals seeking abortion services face legal obstacles and social prejudices from medical practitioners providing abortion services.<sup>9</sup> This is supplemented by patriarchal lenses adopted by the law enforcement authorities and the

<sup>2</sup> *Swati Pathania v. State of Punjab*, CNR No. PBGD010056422024 of 2024, (Gurdaspur District Court) (Unreported) (‘Swati Pathania’).

<sup>3</sup> The phrase “pregnant woman” will be used in instances where the Medical Termination of Pregnancy Act is quoted and specific cases are mentioned, and the term ‘pregnant person’ will be used otherwise.

<sup>4</sup> *Swati Pathania*, *supra* note 2, ¶6.

<sup>5</sup> *Id.*, ¶2.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*, ¶6.

<sup>8</sup> Dipika Jain, *MTP Law’s Patriarchal Bias*, THE INDIAN EXPRESS, April 1 2021, available at <https://indianexpress.com/article/opinion/columns/medical-termination-of-pregnancy-bill-india-women-reproductive-sexual-rights-7253371/> (Last visited on January 17, 2025).

<sup>9</sup> *Id.*

judiciary, which allow criminal complaints to be filed and heard based on arbitrary and extra-legal factors, such as spousal consent, at the expense of the pregnant persons.<sup>10</sup> Fear of judgment and mistreatment, combined with the need to meet specific legal conditions, forces many individuals to seek alternative, unsafe means of terminating pregnancies.<sup>11</sup> This situation underscores a broader issue: the failure of the legal framework to fully support reproductive decisional autonomy and align with the needs and rights of pregnant persons.<sup>12</sup>

Abortion is regulated under §312 through §318 of the IPC. These provisions are often interpreted together, with additional sections supporting the framework. §313 criminalises miscarriage without the woman's consent,<sup>13</sup> while §314<sup>14</sup> and §315 address actions intended to prevent a child from being born alive or causing it to die after birth.<sup>15</sup> §316 defines the death of a 'quick' unborn child as homicide, punishable by imprisonment and a fine.<sup>16</sup> §317 concerns the abandonment of a child under the age of twelve by a parent or guardian.<sup>17</sup> Finally, §318 criminalises the secret disposal of a child's dead body, regardless of whether the child died before, during, or after birth.<sup>18</sup> These provisions collectively reflect a broader criminal framework that complicates the legal landscape surrounding abortion.

§312 of the IPC, which is titled "Causing miscarriage", criminalises abortion services even in the event that the pregnant person has consented to it.<sup>19</sup> This provision classifies abortion services as a criminal offence, subjecting those involved to legal penalties including a jail term. §313 strictly penalises persons involved (apart from the pregnant person) for "miscarriage" that takes place without the pregnant woman's consent.<sup>20</sup>

In terms of the criminalising nature of §312 of the IPC, high mortality rates associated with unsafe abortions resulted in an exception being introduced in 1971 through the Medical Termination of Pregnancy Act, 1971 ('MTP Act').<sup>21</sup> This legislation aimed to regulate and provide safe abortion services under specific conditions, including the approval of a Registered Medical Practitioner ('RMP'), compliance with gestational limits, detection of 'foetal abnormalities', and in cases where the gestation period is between twenty to twenty-four weeks, risk to life of the pregnant person — protecting RMPs from prosecution.<sup>22</sup> Although abortion is legal for pregnant persons seeking abortion services up to twenty-four weeks (under some conditions) under the Medical Termination of Pregnancy Amendment Act, 2021, access to abortion services is riddled with discrimination, bureaucracy, and complexities.<sup>23</sup> As seen in the case above, §312 is used to take criminal action against parties on the extra-legal ground such as spousal consent, which is not a requirement under the MTP

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<sup>10</sup> *Id.*

<sup>11</sup> Rebecca J. Cook et al., *ABORTION LAW IN TRANSNATIONAL PERSPECTIVES: CASES & CONTROVERSIES*, Chapter 16, 347–370 (University of Pennsylvania Press, 2016).

<sup>12</sup> *Id.*

<sup>13</sup> The Indian Penal Code, 1860, §313; *See also* Dipika Jain, *Beyond Bars, Coercion and Death: Rethinking Abortion Rights and Justice in India*, Vol. 14(1), OÑATI SOCIO-LEG. SER., 102 (2024) ('Jain') (for a detailed understanding of the provisions).

<sup>14</sup> *Id.*, §314.

<sup>15</sup> *Id.*, §315.

<sup>16</sup> *Id.*, §316.

<sup>17</sup> *Id.*, §317.

<sup>18</sup> *Id.*, §318.

<sup>19</sup> *Id.*, §312.

<sup>20</sup> *Id.*, §313.

<sup>21</sup> The Medical Termination of Pregnancy Act, 1971, §3.

<sup>22</sup> Jain, *supra* note 13, 102.

<sup>23</sup> Dipika Jain, *MTP Bill's Proposal for a Bureaucracy to Vet Abortions is Ill-Judged and Impractical*, THE INDIAN EXPRESS, February 11, 2021, available at <https://indianexpress.com/article/opinion/columns/mtp-bills-proposal-for-a-bureaucracy-to-vet-abortions-is-ill-judged-and-impractical-7183300/> (Last visited on February 15, 2025).

Act. The case of Swati Pathania does not mention the gestational period of the pregnancy, nor the MTP Act's exceptions, which should have been considered when determining the 'legality' of the abortion. This judicial reference to spousal consent as a prerequisite for abortion is compounded by research in India that shows that the requirement for spousal consent acts as a legitimate barrier for women trying to access safe abortions and sterilisations<sup>24</sup> and the process of obtaining spousal consent violates pregnant women's decisional autonomy and their reproductive rights.<sup>25</sup>

In this article, the authors argue that the decriminalisation of abortion is an urgent necessity, given the ongoing prosecution of individuals under §312 of the IPC in the trial courts of Punjab. These prosecutions not only impose severe human costs but also impose systemic barriers to reproductive justice. Criminalisation forces individuals into unsafe abortion practices, deters healthcare providers from offering essential services and disproportionately harms pregnant persons and their families. A detailed analysis of case law shows how abortion seekers, providers, and supporters are facing prosecution, intimidation, and harassment because of the misuse of §312. There is rampant judicial misapplication and misrepresentation of abortion laws as a whole, with the provisions of the MTP Act being invoked in very few cases. Further, §312 is also applied in cases of forced abortions that only invoke §313 of the IPC ("causing miscarriage without woman's consent"). Pregnant persons and doctors who provide abortion services are liable to prosecution, contributing to a 'chilling effect' that deters medical professionals from providing even 'legal' abortion services.<sup>26</sup> The usage of §312 as a tool for harassment and intimidation stands out in several cases where existing matrimonial disputes form the motivation for frivolous §312 complaints to be filed.

Prosecutions under §312 of the IPC in Punjab district courts show that there has been a sharp increase in the number of prosecutions from 2021 onwards when compared with data from 2013 to 2020. This surge coincides with the COVID-19 lockdown measures, which severely restricted access to abortion services due to inadequate public health infrastructure, transport restrictions, and systemic barriers. As a result, many pregnant persons were forced to seek so-called 'illegal' abortions after significant delays—delays that were not of their making but a direct consequence of state failures. Instead of addressing these structural shortcomings, the legal system has punished both individuals seeking abortions and their service providers, perpetuating a cycle of criminalisation rooted in institutional neglect rather than actual wrongdoing.<sup>27</sup>

The *first* section of this article focuses on the legal framework of abortion in India, which includes criminal provisions of the IPC, the BNSS, as well as the MTP Act, highlighting the ambiguities and challenges in the Indian legal framework.

The *second* section of the article looks at §312 of the IPC, which criminalises "causing miscarriage", providing narratives on how §312 complaints have been brought before

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<sup>24</sup> Manisha Gupte et al., *Women's Perspectives on the Quality of General and Reproductive Health Care: Evidence from Rural Maharashtra* in IMPROVING QUALITY OF CARE IN INDIA'S FAMILY WELFARE PROGRAMME, 117 (Michael A. Koenig & M.E. Khan eds., Population Council, 1999); T.K. Sundari Ravindran, *Rural Women's Experiences with Family Welfare Services in Tamil Nadu* in IMPROVING QUALITY OF CARE IN INDIA'S FAMILY WELFARE PROGRAMME, 70 (Michael A. Koenig & M.E. Khan eds., Population Council, 1999).

<sup>25</sup> Raja Lakshmi, *Informed Consent in Sterilisation Services: Evidence from Public and Private Health care institutions in Chennai*, 5 (Population Council, Health and Population Innovation Fellowship Programme Working Paper No. 4, 2007).

<sup>26</sup> Dipika Jain, *Time to Rethink Criminalization of Abortion? Towards a Gender Justice Approach*, Vol. 12(1), NUJS L. REV., 26 (2019); Jain, *supra* note 13, 109.

<sup>27</sup> Dipika Jain & Krithika Balu, *Access to Abortion During COVID-19 in India* in THE ROUTLEDGE COMPANION TO GENDER AND COVID-19, 357–369 (Linda C. McClain & Aziza Ahmed eds., Routledge, 2024).

courts and adjudicated, using cases from trial courts in Punjab. There are 262 cases from January, 2013 to August, 2024 in trial courts that have invoked §312, and certain common patterns emerge from a review of the jurisprudence.

Thereafter, the *third* section of the article examines the human cost of prosecution of persons under §312 of the IPC, showing how the provision is often used as a tool for harassment of pregnant persons in the background of marital disputes; a tool of deterrence in providing services for abortion providers; a way to impede pregnant persons' decisional autonomy by imposing an extra-legal requirement of spousal consent for abortions – ultimately gravely affecting pregnant persons' access to safe, timely and affordable abortions.

The *fourth* section of the article provides rationales for the complete decriminalisation of abortion and the adoption of a reproductive justice framework, which grants primacy to the decisional autonomy of pregnant persons.

### A. OBJECTIVE

The objective of this article is to examine prosecutions under §312 of the IPC in the trial courts of Punjab. The study is confined to §312 and does not include §314 of the IPC, which punishes those who cause the death of the pregnant person with “intent to cause miscarriage”, which seems to be a provision that protects pregnant women from unsafe or involuntary abortions.<sup>28</sup> This study examines how the frequency and nature of cases under §312 reveal that it is not a rarely invoked provision but an actively used tool for prosecution, intimidation, and harassment of pregnant individuals, their families, and RMPs. The findings highlight the systemic misuse of criminal law, which stands in direct contradiction to Supreme Court (‘SC’) rulings that affirm reproductive decisional autonomy as a fundamental right as well as the 2021 legislative amendments that expanded access to abortion up to twenty-four weeks for specific categories of individuals. This contradiction underscores the urgent need for decriminalisation to bring legal frameworks in line with constitutional principles, protect reproductive decisional autonomy, and prevent the unjust prosecution of those seeking or providing abortion services.

### B. METHODOLOGY

A district-wise search was conducted for cases registered under §312 of the IPC in Punjab. The primary source for the research was the “eCourts Services” application, which provides information related to cases filed in subordinate courts and High Courts across India. Cases spanning over a decade from January, 2013 to August, 2024 were analysed and a district-wise search was carried out for the disposed and pending cases under §312. These cases were then downloaded and mapped on a Microsoft Excel sheet.

A majority of the cases in this article are bail applications and procedural orders, and the trial is separately admitted in the sessions courts. The downloaded cases were mapped on a Microsoft Excel sheet based on the pending or disposed status, identities of parties involved, stage of pregnancy, ancillary statutes included, facts, nature of legality, whether the termination was consensual or non-consensual, and the outcomes. These cases were then coded to ensure consistency and coherence in the data. The cases were then thematically analysed.

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<sup>28</sup> Sally Sheldon, *The Decriminalisation of Abortion: An Argument for Modernisation*, Vol. 36(1), OXF. J. LEG. STUD., 334 (2016); Jonathan Herring, *The Case for Decriminalisation of Abortion*, Vol. 33(1), N.L.S.I.R., 93 (2021).

### C. LIMITATIONS

The article is limited to the district court cases only via the eCourts application in Punjab. The analysis focuses on a dataset spanning a ten-year period, providing a significant window to observe trends and patterns. However, it is important to note that the dataset is limited to these ten years due to accessibility constraints, and cases from the sessions courts have not been included in this study. This exclusion presents a limitation, as sessions courts often handle cases that could provide additional insights into the legal and social dimensions under examination.

## II. THE LEGAL FRAMEWORK (STATUTORY AND JURISPRUDENTIAL) REGULATING ABORTION SERVICES IN INDIA

Under the IPC, the British criminalised the act of “causing miscarriage” or abortion services in India. Currently, abortion is still criminalised under §312 to §318 of the IPC which are replicated in §88 to §92 of the new criminal law, the Bhartiya Nyaya Sanhita, 2023, effective from July 1, 2024. §312 of the IPC, which is titled “Causing miscarriage”, states as follows:

“Whoever voluntarily causes a woman with child to miscarry, shall, if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both, and, if the woman be quick with child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Explanation: A woman who causes herself to miscarry, is within the meaning of this section”.<sup>29</sup>

It is seen that abortion is criminalised under the above section even when the pregnant person consents. This provision classifies abortion as a criminal offence, subjecting those involved to legal penalties, including a jail term. The IPC only permits an exception where a pregnancy is terminated “in good faith to save the life of the pregnant woman”.<sup>30</sup> It is imperative to note that the Gujarat High Court in *Ashaben v. State of Gujarat* emphasised that the expression “good faith” necessitates that any opinion must be based on a thorough and necessary examination required to form such an opinion.<sup>31</sup> The burden of proof in such cases often falls on the pregnant woman and the RMP, as seen in *R v. State of Haryana*,<sup>32</sup> where the Punjab and Haryana High Court held that doctors acting in good faith — terminating a pregnancy to save a woman’s life or prevent injury to her mental or physical health — should not face unwarranted prosecution.

The term “voluntary miscarriage” under §312 of the IPC is broad and ambiguous, encompassing not only the pregnant person but also others involved, including medical practitioners. This lack of clarity creates significant uncertainty in determining who

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<sup>29</sup> The Indian Penal Code, 1860, §312.

<sup>30</sup> Dipika Jain, *Access to Safe and Legal Abortion Services in Asia*, ARROW, CENTRE FOR JUSTICE, LAW AND SOCIETY, 59, December, 2023, available at <https://arrow.org.my/wp-content/uploads/2023/12/Access-to-Safe-and-Legal-Abortion-Services-in-Asia-Challenges-and-Opportunities-Report.pdf> (Last visited on February 26, 2025).

<sup>31</sup> *Id.*

<sup>32</sup> *R v. State of Haryana*, 2016 SCC Online P&H 18369, ¶95.

may be prosecuted and under what circumstances.<sup>33</sup> The terminology implies that the pregnant person actively seeks the abortion with external assistance, making all parties involved legally culpable. Moreover, the penalties are severe, extending up to seven years of imprisonment along with a fine, reinforcing the punitive nature of the provision and deterring access to safe abortion services.

§313 of the IPC states as follows:

“Whoever commits the offence defined in the last preceding section without the consent of the woman, whether the woman is quick with child or not, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine”.<sup>34</sup>

Due to the high mortality rates associated with unsafe abortions, an exception to §312 of the IPC was introduced through the MTP Act in 1971. This legislation aimed to regulate and ensure access to safe abortion services under specific conditions, providing legal protection to RMPs and mitigating, to some extent, the risks posed by criminalisation.<sup>35</sup> This is discussed in the following section.

#### A. THE MEDICAL TERMINATION OF PREGNANCY ACT

The cases reviewed in the article include those filed at different stages of amendment of the MTP Act, warranting a brief review of the legislative developments within the Act. Originally in 1971, the MTP Act legalised abortion in limited circumstances. As per its original provisions, abortion was legal for up to twenty weeks to save a woman’s life or protect her physical or mental health, as well as in cases of rape, contraceptive failure among married couples, and foetal anomalies.<sup>36</sup> Abortion was allowed beyond twenty weeks of gestation only if there was endangerment to the life of the pregnant woman. The MTP Act was focused on the role of doctors, with abortions for pregnancies up to twelve weeks requiring authorisation by one RMP, and between twelve and twenty weeks, requiring authorisation by two RMPs.<sup>37</sup> In 2002, Medical Abortion (‘MA’) pills were introduced for early abortion services, *i.e.*, up to seven weeks, in a comprehensive development of the law.

The MTP Act saw a second amendment on March 25, 2021, which altered the original Act significantly. The amendment increased gestational limits from twelve to twenty weeks with authorisation by one RMP, and twenty to twenty-four weeks with authorisation by two RMPs including unmarried women.<sup>38</sup> The amendment extended the gestational limit for abortions from twenty to twenty-four weeks for specific “categories of women”, including survivors of sexual violence and incest, minors, and those facing severe physical or social

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<sup>33</sup> The Indian Penal Code, 1860, §312.

<sup>34</sup> *Id.*, §313.

<sup>35</sup> The Medical Termination of Pregnancy Act, 1971, §3.

<sup>36</sup> *Id.*, §3, 5.

<sup>37</sup> Dipika Jain, *Supreme Court of India Judgement on Abortion as a Fundamental Right: Breaking New Ground*, Vol. 31(1), SEX. REPROD. HEALTH MATTERS, 1 (2023); Dipika Jain & Payal K. Shah, *Reimagining Reproductive Rights Jurisprudence in India: Reflections on the Recent Decisions on Privacy and Gender Equality from the Supreme Court of India*, Vol. 39(2), COLUM. J. GENDER & L., 2 (2020); Jain, *supra* note 13, 105.

<sup>38</sup> The Medical Termination of Pregnancy (Amendment) Act, 2021, Cl. 3.



challenges.<sup>39</sup> In 2022, the SC, in *X v. Principal Secretary* ('X'),<sup>40</sup> further expanded this access by including unmarried women within the twenty to twenty-four week category and interpreting the "categories of women" broadly to encompass changes in material circumstances. Additionally, the amendment introduced a confidentiality clause for abortion seekers and removed the upper gestational limit in cases of foetal abnormalities diagnosed by a medical board. Beyond twenty-four weeks, termination is permitted only in cases of substantial foetal anomalies or when necessary to save the life of the pregnant woman, with approval from a medical board.<sup>41</sup>

While these reforms are notable, the law retains the eugenic, patriarchal, and cis-heteronormative underpinnings of the original legislation.<sup>42</sup> It continues to prioritise medical authorisation over the decisional autonomy and rights of pregnant persons.<sup>43</sup> This framework, while designed to ensure safeguards, often fails to guarantee access to safe abortion due to the continued criminalisation of abortion under the IPC.<sup>44</sup> Notably, the MTP Act does not require spousal consent; the only consent needed is that of the pregnant individual.<sup>45</sup> In sum, despite significant amendments, the MTP Act fails to centre the decisional autonomy of the pregnant person. The decision to terminate a pregnancy remains subject to the discretion of the RMP rather than the will of the pregnant person, reinforcing a paternalistic framework that undermines reproductive decisional autonomy and reproductive rights.

### B. ABORTION JURISPRUDENCE

Beyond legislative developments, the SC has significantly shaped the discourse on abortion through landmark jurisprudence, emphasising the right to life, dignity, privacy, and reproductive decisional autonomy. In *Justice K.S. Puttaswamy v. Union of India*, the SC recognised the right to privacy as a fundamental right under the Constitution of India ('the Constitution').<sup>46</sup> Justice Chandrachud highlighted that women's statutory right under the MTP Act to decide whether to undergo abortions is directly related to women's constitutional right to make reproductive decisional autonomy — in turn, a component of "personal liberty" protected under Article 21 of the Constitution.<sup>47</sup> The SC expounded on "decisional autonomy", which includes the right of reproductive choice and the pregnant woman's right to decide whether or not to continue a pregnancy.<sup>48</sup> Justice Chelameshwar also stated that "a woman's freedom of choice whether to bear a child or abort her pregnancy are areas which falls in the realm of privacy".<sup>49</sup> Furthermore, in *Dr. Mangla Dogra v. Anil Kumar Malhotra*,<sup>50</sup> the Punjab and Haryana High Court stated that "it is a personal right of a woman to give birth to a child,

<sup>39</sup> Jain, *supra* note 13, 102; Pritam Potdar et al., "If a Woman Has Even One Daughter, I Refuse to Perform the Abortion": Sex Determination and Safe Abortion in India, Vol. 23(45), SEX. REPROD. HEALTH MATTERS, 114 (2015).

<sup>40</sup> *X v. The Principal Secretary, Health and Family Welfare Department, Govt. of NCT of Delhi*, (2022) 7 S.C.R. 686, ¶118 ('X').

<sup>41</sup> *Id.*

<sup>42</sup> Dipika Jain, *Proposed Changes to Abortion Law Continue to Sideline Pregnant Persons*, THE WIRE SCIENCE, March 15, 2020, available at <https://science.thewire.in/law/proposed-changes-to-abortion-law-continue-to-sideline-pregnant-persons/> (Last visited on January 15, 2025).

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *X*, *supra* note 40, ¶¶20, 23.

<sup>46</sup> *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1, ¶169 ('K.S. Puttaswamy').

<sup>47</sup> *Id.*; The Constitution of India, 1950, Art. 21.

<sup>48</sup> *K.S. Puttaswamy*, *supra* note 46, ¶¶141, 142.

<sup>49</sup> *Id.*, ¶38 (per Chelameshwar J.).

<sup>50</sup> *Dr. Mangla Dogra v. Anil Kumar Malhotra*, Civ. Rev. 6337 of 2011, ¶21 (Punjab and Haryana High Court) (Unreported) ('Dr. Mangla Dogra').

but it is not the right of a husband to compel his wife to give birth to a child for the husband”.<sup>51</sup> The High Court’s language in this case reaffirmed the pregnant woman’s bodily autonomy.<sup>52</sup>

Further, in *X*,<sup>53</sup> a landmark decision on fundamental rights to abortion access, the SC noted that reproductive autonomy is a fundamental right and recognised that the current criminal legal framework creates a fear of prosecution, which has a chilling effect on RMPs, affecting access to safe and legal abortions.<sup>54</sup> The threat of prosecution leads to requiring extra-legal documentary proofs and familial consent not mandated by law, and non-production leads to denial of abortion services, prompting pregnant persons to seek recourse from courts, leading to delays in accessing sexual and reproductive health services.<sup>55</sup> The judgment extended the right to abortion to transgender and gender-diverse persons and single women. The continued criminalisation of abortion under §312 of the IPC directly contradicts constitutional guarantees of privacy, dignity, and reproductive decisional autonomy. Despite legislative amendments and progressive SC rulings, pregnant persons, their families, and medical professionals remain vulnerable to prosecution, creating systemic barriers to safe and legal abortion.

The progressive jurisprudence in India around access to abortion services has principles mirrored even in international soft law. The General Recommendations by the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) Committee<sup>56</sup> and the Committee on Economic, Social and Cultural Rights (‘CESCR’)<sup>57</sup> acknowledge that the denial of safe abortion services could amount to torture or cruel, inhuman or degrading treatment, and observe that Sexual and Reproductive Health (‘SRH’) rights underpin the physical and mental integrity of individuals and their autonomy.<sup>58</sup> Further, States Parties to General Comment (‘GC’) 28 and GC 36 to the International Covenant on Civil and Political Rights (ICCPR) must take measures to assist women in preventing unwanted pregnancies and life-threatening clandestine abortions<sup>59</sup> and must ensure that existing restrictions on access to abortion services do not endanger lives.<sup>60</sup> Failure to provide access to SRH services is a contravention of their right to equal enjoyment of all civil and political rights under Articles 3 and 6 of the ICCPR.<sup>61</sup>

India has ratified both the ICCPR and the International Covenant on Economic, Social and Cultural Rights (ICESCR), along with CEDAW, and is therefore explicitly bound to fulfil its obligations under the main conventions, even if not formally bound by the General Comments as provided above. United Nations (UN) human rights mechanisms such as the CEDAW Committee have called out India’s non-compliance, such as in 2014 when the

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<sup>51</sup> *Id.*

<sup>52</sup> *Id.*, ¶¶21, 22.

<sup>53</sup> *X*, *supra* note 40, ¶101.

<sup>54</sup> *Id.*, ¶¶20–22.

<sup>55</sup> *Id.*; Human Rights Committee, *CCPR General Comment No. 28: Article 3 (The Equality of Rights Between Men and Women)*, ¶20, U.N. Doc. CCPR/C/21/Rev.1/Add.10 (March 29, 2000).

<sup>56</sup> Committee on the Elimination of Discrimination Against Women, *CEDAW General Recommendation No. 19: Violence Against Women*, ¶¶22, 23, U.N. Doc. CEDAW/C/GC/35 (1992).

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> CENTRE FOR JUSTICE, LAW AND SOCIETY, *Re: Supplementary Information on India, Scheduled for Review by the Human Rights Committee during its 141st Session on 1-23 July 2024*, June 3, 2024, available at [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FCSS%2FIND%2F58571&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCCPR%2FCSS%2FIND%2F58571&Lang=en) (Last visited on February 26, 2025).

<sup>60</sup> Human Rights Committee, *CCPR General Comment No. 36: Article 6 (Right to Life)*, ¶8, U.N. Doc. CCPR/C/GC/36 (September 3, 2019).

<sup>61</sup> International Covenant on Civil and Political Rights, 999 U.N.T.S. 171 (adopted on December 16, 1966, entered into force on March 23, 1976) Arts. 3, 6.

Committee noted high death rates from unsafe abortions in the country, and urged India to “provide women with access to high-quality and safe abortion services”.<sup>62</sup> Further, the legal requirement for parental consent for adolescents to obtain abortions was pointed out by the Committee on the Rights of the Child (CRC), which was concerned about its effect on access to abortions for adolescents.<sup>63</sup> In India’s third Universal Periodic Review, it was also called on to improve measures to protect and uphold maternal, sexual and reproductive health,<sup>64</sup> which stemmed from a prior recommendation “to ensure all women without any discrimination [have] access to adequate obstetric delivery services and sexual and reproductive health services, including safe abortion and gender-sensitive comprehensive contraceptive services”.<sup>65</sup>

An acknowledged impediment to accessing safe abortions in India is the criminalising framework that has been enacted through the IPC. Decriminalisation is not just a legal necessity but is a moral imperative — to ensure that reproductive rights are upheld, healthcare is accessible without fear, and the law aligns with principles of justice and decisional autonomy.

The need for decriminalising abortions as a whole and eliminating §312 is illustrated by its arbitrary and indiscriminate application in district courts in Punjab, outlined in the following section.

### III. PROSECUTION UNDER §312 OF THE IPC IN THE STATE OF PUNJAB

In Punjab, §312 of the IPC has specifically been used to prosecute legal abortion services. A total of 112 cases were recorded under §312 in twenty-two districts of Punjab from 2013 to 2020, and 150 cases have been recorded from 2021 onwards till August 2024. There is a total of 262 cases filed under §312 in Punjab from 2013 till August 2024, resulting in criminal proceedings.

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<sup>62</sup> Committee on the Elimination of Discrimination Against Women, *Concluding Observations on the Combined Fourth and Fifth Periodic Reports of India*, ¶¶30, 31, U.N. Doc. CEDAW/C/IND/CO/4-5 (July 24, 2014).

<sup>63</sup> *Id.*

<sup>64</sup> U.N. Human Rights Council, *Report of the Working Group on the Universal Periodic Review: India*, ¶¶161.179, 161.180, U.N. Doc. A/HRC/36/10 (July 14, 2017).

<sup>65</sup> U.N. Human Rights Council, *Report of the Working Group on the Universal Periodic Review: India*, ¶138.153, U.N. Doc. A/HRC/21/10 (July 9, 2012).

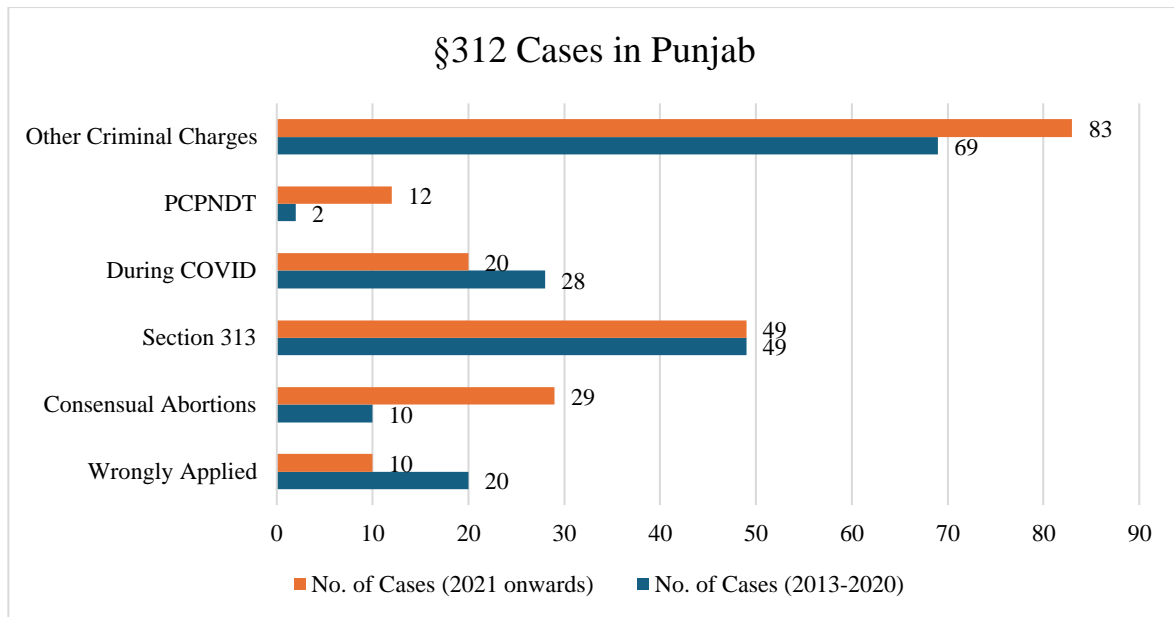


Figure 1

As indicated by Figure 1, §312 of the IPC was incorrectly applied in ten cases filed between 2013 and 2020, for non-consensual abortion. Ten cases were identified where §312 was misapplied. In nine of these cases, the abortions were forced, making §313 the appropriate provision. However, either §312 was applied alongside §313, or §313 was not applied at all, resulting in the wrongful application of only §312. In the tenth case, an abandoned human foetus was discovered in a drain, and §312 was incorrectly invoked. Despite the MTP Act being a statutory exception to prosecution for abortion under IPC, it has rarely been invoked, having only been applied in nine out of the 262 cases analysed (about 3.43 per cent).

As highlighted in Figure 2, a total of ninety-eight cases were filed between January 2013 and August 2024 where §312 and §313 were applied together, indicating instances of non-consensual abortion. Despite the absence of consent, the legal framework still allowed for the prosecution of the pregnant person, reflecting its punitive and flawed nature. Notably, forty-eight cases under §312 were filed during the COVID-19 lockdowns, demonstrating that prosecution persisted even amid severe barriers to accessing abortion services.

There are fourteen cases where both §312 of the IPC and provisions of the Pre-Conception and Pre-Natal Diagnostic Techniques Act, 1994 (‘PCPNDT Act’) were applied. It was found that in many cases filed under §312, additional criminal charges were also applied based on the specific criminal act §511 of the IPC (punishment for attempting to commit an offence that is punishable by imprisonment or life imprisonment), §34 of the IPC (acts done by several persons in furtherance of common intention) and §120B of the IPC (criminal conspiracy), indicating the existence of broader criminal circumstances. A more detailed division of cases where other criminal charges have been applied is represented in the chart below.

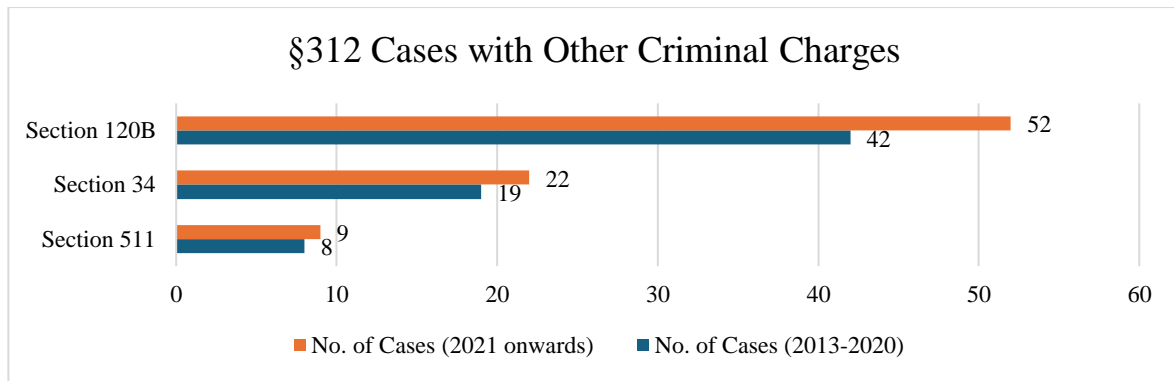


Figure 2

There were thirty-six cases where an arrest was a possibility, with petitioners (including pregnant persons, family members and abortion seekers) applying for anticipatory bail on account of apprehending arrest.<sup>66</sup> The chart below looks at cases where bail was granted and denied.

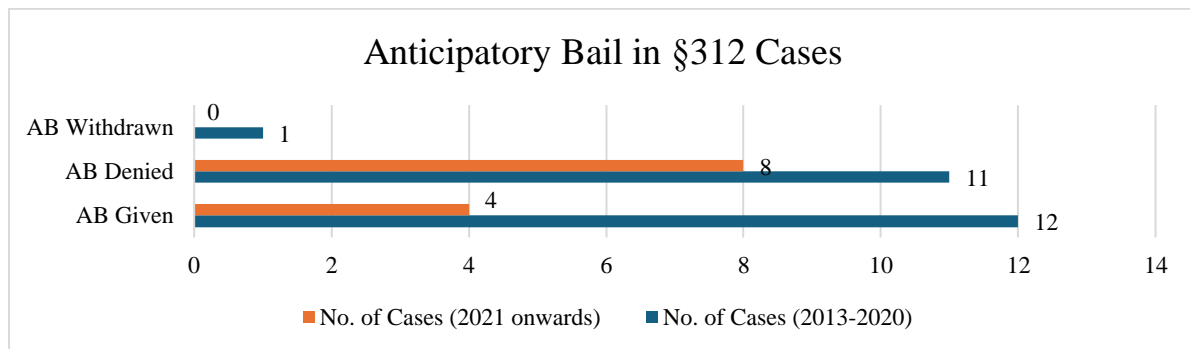


Figure 3

The chart below looks at the overall numbers of disposed and pending §312 cases in Punjab, divided by district.

<sup>66</sup> Direction for grant of bail to person apprehending arrest.

1[(1) Where any person has reason to believe that he may be arrested on accusation of having committed a non-bailable offence, he may apply to the High Court or the Court of Session for a direction under this section that in the event of such arrest he shall be released on bail; and that Court may, after taking into consideration, inter alia, the following factors, namely:---

- (i) the nature and gravity of the accusation;
- (ii) the antecedents of the applicant including the fact as to whether he has previously undergone imprisonment on conviction by a Court in respect of any cognizable offence;
- (iii) the possibility of the applicant to flee from justice; and
- (iv) where the accusation has been made with the object of injuring or humiliating the applicant by having him so arrested,

either reject the application forthwith or issue an interim order for the grant of anticipatory bail:

Provided that, where the High Court or, as the case may be, the Court of Session, has not passed any interim order under this sub-section or has rejected the application for grant of anticipatory bail, it shall be open to an officer in-charge of a police station to arrest, without warrant the applicant on the basis of the accusation apprehended in such application, *see* The Code of Criminal Procedure, 1973, §438.

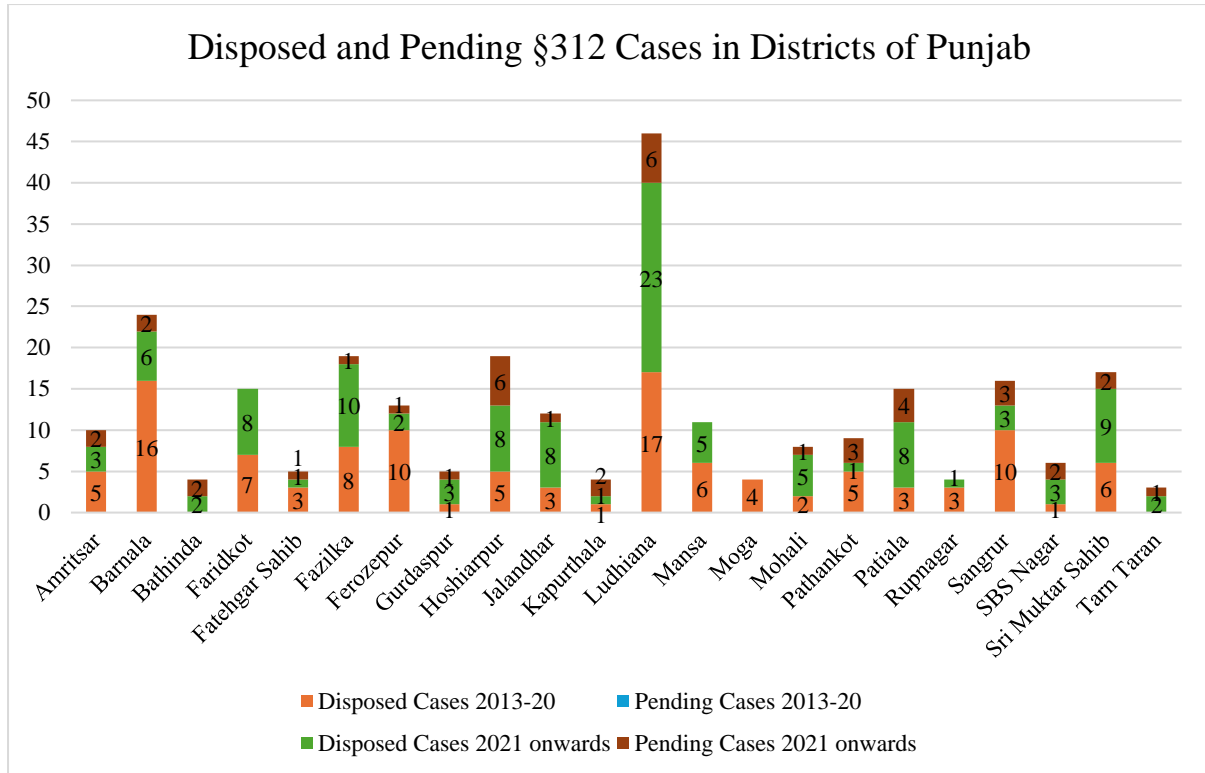


Figure 4

It is notable that Ludhiana has, by far, the highest number of cases of any district in Punjab filed under §312, with seventeen cases filed between 2013 and 2020 and twenty-three cases having been filed from 2021 onwards. The cases are categorised in the chart below.

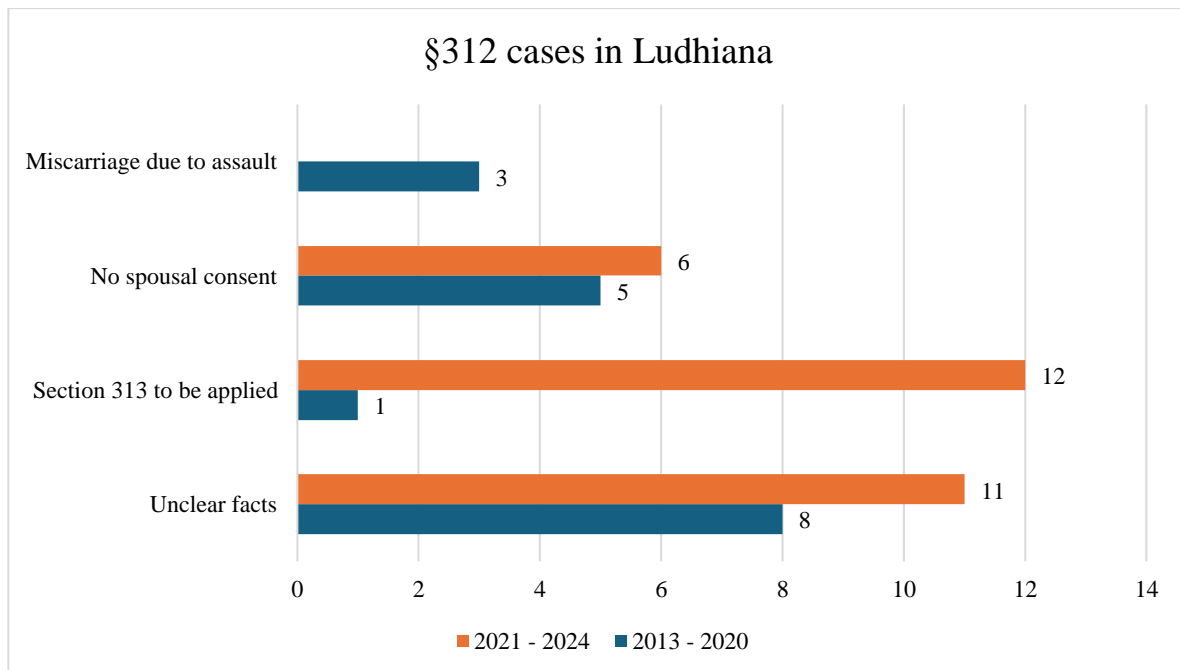


Figure 5

Between 2013 and 2020, seventeen complaints were filed in Ludhiana against pregnant persons and their families. Of these, eight cases had unclear or incomplete facts, and one was filed under §313 of the IPC. Additionally, five cases alleged that abortions were

provided without spousal consent, reinforcing patriarchal control over reproductive choices. Furthermore, three cases of forced abortion or miscarriage due to physical or sexual assault were incorrectly filed under §312 instead of §313, highlighting inconsistencies in legal application and the misuse of criminal provisions in abortion-related cases.

From 2021 onwards, there were twenty-nine complaints filed. Out of these, eleven cases contained unclear or incomplete facts, whereas twelve cases were incorrectly filed under §312 where §313 would apply, *i.e.*, forced abortions. Additionally, six cases were filed against pregnant persons on the grounds that they did not obtain spousal consent before undertaking an abortion.

Certain patterns have emerged, as discussed in the following sub-sections. The following sub-section examines the widespread judicial misapplication and misinterpretation of abortion laws, where courts frequently overlook the MTP Act, which provides exceptions to the criminalisation of abortion. The MTP Act is rendered toothless in the face of widespread prosecution under §312 of the IPC. Further, courts have also misinterpreted abortion laws by framing charges against pregnant persons for not seeking spousal consent prior to undergoing voluntary abortions. Spousal consent is not a legal prerequisite for abortions, iterated clearly by the SC in *Anil Kumar Malhotra v. Dr. Mangla Dogra* ('Anil Kumar Malhotra').<sup>67</sup>

§312 of the IPC is frequently misused to prosecute consensual abortions that fall within the gestational limits set by the MTP Act. These frivolous criminal proceedings are initiated with ease and often serve as a tool to target abortion seekers. The deeply entrenched patriarchal notion that pregnant persons require spousal consent for legal abortions not only disregards their agency but also violates their reproductive and decisional autonomy — rights that have been explicitly upheld in the Indian jurisprudence.<sup>68</sup>

§312 of the IPC is often misapplied in cases of forced abortions, where §313 should be invoked, as it specifically criminalises abortions performed without the consent of the pregnant person. This misapplication not only distorts the legal framework but also creates a dangerous precedent, bringing pregnant persons within the scope of prosecution. Such misuse of the law further enables the harassment and intimidation of those seeking abortions, exacerbating barriers to reproductive justice.

This ties into the next observed pattern, which is that §312 of the IPC has been used as a tool for the harassment of pregnant persons and their families in the background of domestic or marital disputes. This provision can also be used for the frivolous prosecution of RMPs, which in turn deters them from providing abortion services. In such circumstances, abortion seekers may turn to quacks, who may provide unsafe, back-alley abortions that can lead to grave health outcomes.

#### A. JUDICIAL MISINTERPRETATION OF ABORTION LAWS

In many cases, pregnant persons have cited grounds for termination that fall within the exceptions provided under the MTP Act. However, despite this, the MTP Act was invoked in only nine out of the 262 cases analysed. Instead of assessing the legality of the termination based on the parameters outlined in the MTP Act, courts have largely disregarded

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<sup>67</sup> *Anil Kumar Malhotra v. Dr. Mangla Dogra*, Civ. Rev. 2941 of 2017 (Supreme Court of India) (Unreported) ('Anil Kumar Malhotra').

<sup>68</sup> X, *supra* note 40.

these provisions and instead centred the extra-legal factor of spousal consent in their adjudication, further undermining reproductive autonomy and legal protections.

The judiciary's consistent failure to incorporate or consider the MTP Act in cases where §312 of the IPC is invoked highlights a deeper issue of judicial misinterpretation and misapplication of abortion laws. This is a critical finding that shows that the exceptions to criminal prosecution of abortions have not translated into legislation that is emancipatory for pregnant persons in any manner. Instead, in over ninety-six percent of the cases analysed, judges have prioritised the criminal provisions over protective legal frameworks, reinforcing a punitive approach to abortion rather than one centred on rights and autonomy.

In some cases, such as *Amit Chopra v. Ishita Chopra* ('Amit Chopra'),<sup>69</sup> the pregnant woman left her matrimonial home due to disagreements with her husband. When the complainant-husband attempted to persuade her to return, she and her family informed him that she had terminated her pregnancy because she no longer wished to be with him. In response, the husband filed a criminal complaint under §312 and §315 of the IPC against her and her family.<sup>70</sup> The pregnancy, at seven weeks and four days, clearly fell within the gestational limits permitted under the MTP Act.<sup>71</sup> The Ludhiana District Court cited the absence of testimony from the doctor who performed the abortion, stating there was no proof that the "miscarriage" was carried out voluntarily, in "good faith" or to save the pregnant woman's life. This approach illustrates a broader pattern of judicial reluctance to apply the MTP Act, reinforcing the criminalisation of abortion even when legal exceptions clearly apply.<sup>72</sup>

Misinterpretation and misapplication of abortion laws by judges is also seen in district courts' treatment of cases where complaints are filed against pregnant women on the basis that they did not obtain the consent of their spouse before obtaining an abortion service. Spousal consent is not a legal requirement for medical termination of pregnancy, iterated clearly by the SC in *Anil Kumar Malhotra*,<sup>73</sup> concurring with a decision of the Punjab and Haryana High Court.<sup>74</sup> Justice Chandrachud, in *X*,<sup>75</sup> affirmed that the decision to terminate a pregnancy lies solely with the pregnant woman, emphasising that reproductive decisional autonomy is intrinsically linked to and inseparable from bodily autonomy. The SC reinforced this position by upholding a woman's sole and inalienable right to give birth or terminate her pregnancy, regardless of her husband's consent, rejecting any notion of spousal control over reproductive decisions: "The right to reproductive autonomy is closely linked with the right to bodily autonomy. As the term itself suggests, bodily autonomy is the right to take decisions about one's body. The consequences of an unwanted pregnancy on a woman's body as well as her mind cannot be understated."<sup>76</sup>

The SC's ruling underscored that the right to make decisions about one's body and reproductive health is a cornerstone of personal liberty and human dignity. The district courts in Punjab, however, have repeatedly framed charges against pregnant women for not seeking spousal consent. Some cases include *State of Punjab v. Harjit Kaur and Baljinder*

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<sup>69</sup> *Amit Chopra v. Ishita Chopra*, CNR No. PBLD030660292018 of 2018, ¶2 (Ludhiana District Court) (Unreported) ('Amit Chopra').

<sup>70</sup> *Id.*, ¶1.

<sup>71</sup> *Id.*, ¶¶6, 7.

<sup>72</sup> *Id.*, ¶16.

<sup>73</sup> *Anil Kumar Malhotra*, *supra* note 67.

<sup>74</sup> *Dr. Mangla Dogra*, *supra* note 50.

<sup>75</sup> *X*, *supra* note 40, ¶14.

<sup>76</sup> *Id.*, ¶99.



*Singh* ('Harjit Kaur and Baljinder Singh'),<sup>77</sup> *State v. Hina Sharma* ('Hina Sharma'),<sup>78</sup> and *Dr. Manu Gupta v. Dr. Prachi Gupta* ('Manu Gupta')<sup>79</sup> discussed in Section C below.

The active misapplication and misinterpretation of §312 of the IPC has also led to the prosecution of the doctor, which has manifested in an anticipatory bail application being filed by the medical practitioner, for fear of prosecution. This was seen in *Dr. Archana Pathak v. State of Punjab* ('Dr. Archana Pathak'),<sup>80</sup> *Sharin Kapoor v. State of Punjab* ('Sharin Kapoor I'),<sup>81</sup> *State of Punjab v. Sharin Kapoor* ('Sharin Kapoor II'),<sup>82</sup> and *State of Punjab v. Shairan Kapoor* ('Shairan Kapoor')<sup>83</sup> where §312 was wrongly invoked in cases of non-consensual abortion through a miscarriage that was caused by the physical assault of the pregnant woman. The primary accused were the pregnant woman, her family, and the doctor who terminated the pregnancy. The husband filed the complaint against all the accused parties and alleged that the abortion was carried out without his consent. The medical practitioner, Dr. Archana Pathak, applied for anticipatory bail, fearing prosecution for legal termination of a pregnancy of sixteen weeks. Rather than applying the MTP Act, the Sri Muktsar Sahib District Court allowed her application based on the fact that "nothing is to be recovered from accused/applicant and her presence has also been procured, as she has already joined the investigation".<sup>84</sup> There was no other rationale provided.<sup>85</sup> Here as well, the gestation period of the pregnancy was four months or sixteen weeks, falling within the gestational period exception contained in the MTP Act — not considered by the District Court at all.

Further, the language used by the State in litigating cases under §312 of the IPC reflects the deep impact of judicial misinterpretation. In *Sukhmeet Singh Aneja v. Harshleen*,<sup>86</sup> a pregnant woman and her family were charged under §312 for accessing an abortion without the consent, knowledge, or approval of the complainant-husband.<sup>87</sup> However, the entire trial was conducted under the erroneous presumption that spousal consent was a prerequisite for abortion. This directly contradicts the MTP Act, which clearly establishes that the pregnant woman's consent — along with the approval of an RMP under the MTP Act's specified conditions — is the only legal requirement for termination.<sup>88</sup> Notably, the case proceedings did not mention the gestational period or any other grounds for the alleged 'illegality' of the abortion, apart from the extrajudicial and legally unfounded insistence on spousal consent.

The cases above illustrate that, despite the MTP Act providing clear exceptions to 'illegal' abortion under §312 of the IPC, district courts frequently overlook these provisions

<sup>77</sup> *State of Punjab v. Harjit Kaur and Baljinder Singh*, CNR No. PBAS010091762021 of 2021, ¶¶1–3 (Amritsar District Court) (Unreported) ('Harjit Kaur and Baljinder Singh').

<sup>78</sup> *State v. Hina Sharma*, CNR No. PBF030039382021 of 2021, ¶2 (Faridkot District Court) (Unreported) ('Hina Sharma').

<sup>79</sup> *Dr. Manu Gupta v. Dr. Prachi Gupta*, CNR No. PBSAB10005292018 of 2018, ¶¶2–5 (Mohali District Court) (Unreported) ('Dr. Manu Gupta').

<sup>80</sup> *Dr. Archana Pathak v. State of Punjab*, CNR No. PBSM010005442018 of 2018, ¶3 (Sri Muktsar Sahib District Court) (Unreported) ('Dr. Archana Pathak').

<sup>81</sup> *Sharin Kapoor v. State of Punjab*, CNR No. PBSM010020742017 of 2017, ¶¶2–3 (Sri Muktsar Sahib District Court) (Unreported) ('Sharin Kapoor I').

<sup>82</sup> *State of Punjab v. Sharin Kapoor*, CNR No. PBSM030008392018 of 2018, ¶1 (Sri Muktsar Sahib District Court) (Unreported) ('Sharin Kapoor II').

<sup>83</sup> *State of Punjab v. Shairan Kapoor*, CNR No. PBSM010027772018 of 2019, (Sri Muktsar Sahib District Court) (Unreported) ('Shairan Kapoor').

<sup>84</sup> *Dr. Archana Pathak*, *supra* note 80, ¶4.

<sup>85</sup> *Id.*, ¶¶3–4.

<sup>86</sup> *Sukhmeet Singh Aneja v. Harshleen*, CNR No. PBLD030154042017 of 2017, ¶¶1–2 (Ludhiana District Court) (Unreported).

<sup>87</sup> *Id.*, ¶2.

<sup>88</sup> The Medical Termination of Pregnancy Act, 1971, §3.

when adjudicating criminal complaints. This persistent disregard highlights a fundamental failure in the legal system to align with statutory protections for abortion seekers.<sup>89</sup> Moreover, the MTP Act remains a doctor-centric law, operating within a framework that often prioritises the legal security of medical practitioners over the decisional autonomy of pregnant persons. Fear of criminal liability frequently leads doctors to adopt an overly cautious approach, further restricting access to legal abortion services.

The next section examines the misapplication of §312 of the IPC in cases of consensual abortions that fall within the legal gestational limit in the MTP Act.

### *B. CONSENSUAL ABORTION CASES WITHIN LEGAL LIMITS, BUT WRONGFULLY PROSECUTED UNDER §312*

There are thirty-seven cases where the termination of the pregnancy was carried out with the consent of the pregnant person, but §312 of the IPC was still applied to prosecute various parties, including pregnant persons themselves.

In the Amit Chopra case,<sup>90</sup> as discussed above, Amit Chopra filed an FIR against his wife, Ishita Chopra, and her family under §312 and §315 of the IPC, alleging an ‘illegal abortion’ after she terminated her seven-week pregnancy. Despite the pregnancy falling within the legal gestational limits of the MTP Act, the Ludhiana District Court focused on the ingredients of §312 rather than acknowledging the legality of the abortion. The case was dismissed in 2019 due to a lack of evidence, and a revision petition in 2023 upheld this ruling but failed to affirm the woman’s right to abortion. This led to seven years of undue legal harassment.

In *Bahadur Singh v. Pooja* (‘Bahadur Singh’),<sup>91</sup> and its connected matters, the pregnant woman and her family members were prosecuted under §312 of the IPC. The pregnant woman had undergone a voluntary termination of pregnancy at six weeks and six days of gestation. The complainant was the pregnant woman’s husband, and they had married in 2017.<sup>92</sup> Around nineteen to twenty days after the wedding, the complainant experienced severe stomach pain, leading to an ultrasound that revealed she was six weeks and six days pregnant. Shortly after, she left with accused persons two to five. After eight to ten days, the accused contacted the complainant and informed him that she had terminated the pregnancy.<sup>93</sup> The complainant and his family reported this matter to the police, leading the Jalandhar District Court to summon her under §312<sup>94</sup> and §201<sup>95</sup> of the IPC. While the District Court rejected the inclusion of §420 due to a lack of *prima facie* evidence, it wrongly held that a case was made

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<sup>89</sup> Aparna Chandra et al., *Legal Barriers to Accessing Safe Abortion Services in India: A Fact Finding Study*, CENTRE FOR REPRODUCTIVE RIGHTS, 153 (2021), available at [https://reproductiverights.org/wp-content/uploads/2021/08/Legal-Barriers-to-Accessing-Safe-Abortion-Services-in-India\\_Final-for-upload.pdf](https://reproductiverights.org/wp-content/uploads/2021/08/Legal-Barriers-to-Accessing-Safe-Abortion-Services-in-India_Final-for-upload.pdf) (Last visited on February 15, 2025) (‘Chandra et al.’).

<sup>90</sup> Amit Chopra, *supra* note 69, ¶¶2–4.

<sup>91</sup> *Bahadur Singh v. Pooja*, CNR No. PBJLA10016852018 of 2018 (Jalandhar District Court) (Unreported) (‘Bahadur Singh’).

<sup>92</sup> *Id.*, ¶2.

<sup>93</sup> *Id.*

<sup>94</sup> Whoever voluntarily causes a woman with child to miscarry, shall, if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and, if the woman be quick with child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine, *see* The Indian Penal Code, 1860, §312.

<sup>95</sup> Causing disappearance of evidence of offence, or giving false information to screen offender, *see* The Indian Penal Code, 1860, §201.

out under §312 and §201 of the IPC. This decision ignored the fact that the abortion was well within the legal gestational limits prescribed by the MTP Act, highlighting a continued judicial failure to apply the law correctly.

Moreover, in the connected matter of *Pooja v. Bahadur Singh* ('Pooja'),<sup>96</sup> the pregnant woman filed an anticipatory bail application under §438 of the Code of Criminal Procedure ('CrPC'). While the applicant argued that the case under §312 and §201 of IPC was filed as a counter-blast to the complaint registered under §406 and §498 of the IPC, the Additional Public Prosecutor opposed the bail on the ground that the applicant had committed a grave offence. Thereafter, the Jalandhar District Court stated that bail under §438 of the CrPC can only be granted in non-bailable offences, and §312 of the IPC is bailable in nature. The case was eventually closed due to a compromise between the parties.

The misuse of abortion-related legal provisions, such as §312 and §201 of the IPC, often undermines reproductive rights and decisional autonomy.<sup>97</sup> These laws are frequently weaponised in personal disputes, as seen in the Pooja case,<sup>98</sup> where a lawful abortion at seven to eight weeks, performed with consent and approval of an RMP under the MTP Act, led to legal harassment. The co-existence of §312 alongside a clear legal framework like the MTP Act (even though as an exception) is frivolous, creating unnecessary confusion for legal actors and resulting in pregnant persons feeling harassed and denied justice.<sup>99</sup> Misinterpretation of abortion laws and procedural rigidity results in unnecessary prosecutions, with courts sometimes failing to distinguish between lawful actions and alleged violations. This disconnect between the law's intent and its implementation jeopardises the rights and well-being of pregnant persons.<sup>100</sup>

The cases above demonstrate that even consensual abortions within legally prescribed gestational limits are subject to criminal proceedings under §312 of the IPC. *First*, this highlights how easily frivolous cases can be filed against abortion seekers. *Second*, these prosecutions are often based on the erroneous notion that spousal consent is required as an extra-legal consideration not mandated by law. While the mere potential for misuse may not justify striking down a legal provision, the cumulative impact of §312, as evidenced in this analysis, underscores its harmful and punitive effect on pregnant persons.

There are other cases of consensual abortions that took place at an unspecified gestational age of the pregnancy or in the later stages of pregnancy, which have also been prosecuted, even though gestational limits are seen to limit access to safe and affordable abortions and are highly arbitrary in nature. This is attested to in terms of the MTP Act itself, which amended gestational limits for abortion in 2021 from twenty to twenty-four weeks.<sup>101</sup> Further, medical boards were institutionalised to determine whether a pregnancy beyond twenty-four weeks of gestation may be terminated only based on a "significant foetal anomaly" or to save the life of the pregnant woman. This clearly shows that for abortions based on a

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<sup>96</sup> *Pooja v. Bahadur Singh*, CNR No. PBJL010129722019 of 2019, ¶4 (Jalandhar District Court) (Unreported) ('Pooja').

<sup>97</sup> Dipika Jain, *Time to Rethink Criminalization of Abortion? Towards a Gender Justice Approach*, Vol. 12(1) NUJS L. REV., 26 (2019).

<sup>98</sup> *Pooja*, *supra* note 96, ¶¶4–6.

<sup>99</sup> *Id.*

<sup>100</sup> Dipika Jain, *MTP Bill's Proposal for a Bureaucracy to Vet Abortions is Ill-Judged and Impractical*, THE INDIAN EXPRESS, February 11, 2021, available at <https://indianexpress.com/article/opinion/columns/mtp-bills-proposal-for-a-bureaucracy-to-vet-abortions-is-ill-judged-and-impractical-7183300/> (Last visited on February 15, 2025).

<sup>101</sup> *Id.*

eugenic rationale, gestational limits can be disregarded altogether.<sup>102</sup> It seems that these gestational limits are not based on dangers to the health of pregnant women but are quite arbitrary and susceptible to alteration if the circumstances are deemed ‘deserving’.<sup>103</sup> Joanna Erdman qualifies this claim where she refers to the gestational limits as barriers to accessing safe services.<sup>104</sup> The World Health Organization (WHO) also recognises that gestational limits encoded in law are not based on evidence and that it is possible to terminate a pregnancy at any gestational stage using the appropriate method of abortion.<sup>105</sup>

In *State v. Gurinder Kaur* (‘Gurinder Kaur’),<sup>106</sup> the pregnant woman along with her father, fiancé, and former partner were prosecuted under §312 of the IPC and §25 of the PCPNDT Act for facilitating an abortion. The pregnant woman, Gurinder Kaur, was a twenty-one-year-old resident of village Karala Kalan.<sup>107</sup> She had a sexual relationship with her fellow villager Fateh Singh, as a result of which she had conceived.<sup>108</sup> Subsequently, she was engaged to her fiancé, Bhagwan Singh, alias Kala.<sup>109</sup> Initially, Gurinder Kaur did not mention her pregnancy to her family. However, it is alleged that during the thirty-fourth week Gurinder Kaur revealed her pregnancy to her family since she fell ill.<sup>110</sup> Her father, Jaswinder Singh, then bought medicines for her from the neighbouring village of Khamano, which she consumed in June, 2023.<sup>111</sup> Her pregnancy was thereafter terminated, and she delivered the foetus that was later buried by her father.<sup>112</sup> However, Gurinder Kaur suffered complications and profuse bleeding. She was taken to the Civil Hospital in the neighbouring village of Khamano where she was treated by the complainant, Dr. Gurpreet Singh.<sup>113</sup>

A case was then filed against all previously mentioned parties. A total of ten bail and anticipatory bail cases were filed pertaining to this matter. Although all parties were eventually granted bail, there were several judicial delays and discrepancies in the procedure leading to undue harassment of the pregnant woman and her family. The pregnant woman spent four months in jail. Fateh Singh, the former partner of the pregnant woman, filed for anticipatory bail in July, 2023, even though he was not named as an accused in the original FIR before the police. Although the gestation period of thirty-four weeks fell outside the exceptions provided in the MTP Act, Fateh Singh had no role to play whatsoever in facilitating the abortion. He claimed that he was unnecessarily roped in the case during the investigation since he was responsible for the pregnancy.<sup>114</sup> His application was denied due to insufficient grounds. A further study of the Fateh Singh case reveals that Fateh Singh subsequently filed an appeal in the Punjab and Haryana High Court. The High Court allowed his application in

<sup>102</sup> The Medical Termination of Pregnancy (Amendment) Act, 2021 Cl. 3; Dipika Jain & Shampa Sengupta, *Reproductive Rights and Disability Rights Through an Intersectional Lens*, Vol. 12(2), J.G.L.R., 337 (2021).

<sup>103</sup> Joanna N. Erdman, *Theorizing Time in Abortion Law and Human Rights*, Vol. 19(1), HEALTH HUM. RIGHTS, 29 (2017).

<sup>104</sup> *Id.*

<sup>105</sup> WORLD HEALTH ORGANIZATION, *Abortion Care Guideline*, Chapter 2, March 8, 2022, available at <https://iris.who.int/bitstream/handle/10665/349316/9789240039483-eng.pdf?sequence=1> (Last visited on February 26, 2025) (‘WHO’).

<sup>106</sup> *State v. Gurinder Kaur*, CNR No. PBLD010252452023 of 2023, (Ludhiana District Court) (Unreported) (‘Gurinder Kaur’).

<sup>107</sup> *Id.*, ¶6.

<sup>108</sup> *Id.*, ¶7.

<sup>109</sup> *Id.*, ¶6.

<sup>110</sup> *Id.*, ¶7.

<sup>111</sup> *Id.*, ¶4.

<sup>112</sup> *Id.*, ¶7.

<sup>113</sup> *Id.*

<sup>114</sup> *State v. Fateh Singh*, CNR No. PBLD010147122023 of 2023, ¶3 (Ludhiana District Court) (Unreported).

November, 2023,<sup>115</sup> as a result of which his anticipatory bail application was made absolute by the District Court in December.

In *State v. Jaswinder Singh* ('Jaswinder Singh'), the pregnant woman's father, Jaswinder Singh's bail application was heard two months after his arrest. In this matter, the Ludhiana District Court observed that there was no evidence on record to indicate that the pregnant woman had induced an abortion or suffered a miscarriage.<sup>116</sup> The District Court further observed that Jaswinder Singh had bought the medicines to "save their reputation in society".<sup>117</sup> The District Court allowed Jaswinder Singh's bail applications on the grounds that no purpose would be served by detaining him further.

Similarly, in the case of the pregnant woman's fiancé, Bhagwan Singh, the Court initially denied bail in an order dated July 11, 2023, on the grounds that he may flee or tamper with evidence. However, he was subsequently granted bail on July 27, 2023, on the grounds that no purpose would be served by detaining him further. The same rationale was applied while granting bail to the pregnant woman, Gurinder Kaur, four months after her arrest.<sup>118</sup> It must also be noted here that since the complainant in the present matter was the doctor treating Gurinder Kaur, she was taken into custody immediately after receiving post-abortion care. The doctor's insistence on reporting the case despite there being no clear evidence of an induced abortion is also indicative of the doctor's fear of prosecution.

This case highlights how societal pressures and deeply rooted taboos around premarital pregnancy force families to take desperate measures to 'preserve honour', often at great risk to the pregnant person's health. A criminal law framework proves ineffective and counter-productive in addressing such situations, where the focus should instead be on healthcare access, education, and dismantling harmful cultural stigmas.<sup>119</sup> Moreover, it leads to unnecessary legal harassment of multiple individuals, including a four-month jail term for the pregnant woman, further compounding the injustice by penalising those already marginalised, diverting attention from the need for compassionate, affordable, informed and legally supported healthcare solutions.<sup>120</sup>

These cases highlight how pregnant persons, their family members, and partners face the threat of prosecution and are incarcerated under §312 of the IPC. Although the District Court observed there was unclear evidence on the nature of the miscarriage, all parties were taken into judicial custody. The Fateh Singh case further demonstrates the inconsistent judicial procedure and the delay in seeking justice for parties not directly involved in the matter. Additionally, despite the facts clarifying that the pregnant woman and her family were residents of a village, and, therefore, belonged to a rural background, the amount set for the bail surety was INR 75,000/- (Indian Rupees Seventy-Five Thousand) in at least two bail cases.<sup>121</sup> These crucial cases also raise questions about the accessibility of abortion and healthcare services since the nearest available resource for both medical termination medication and care was the neighbouring village. The implications of the PCPNDT Act in this case indicate a lack of judicial understanding as well as the high-handedness of the police.

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<sup>115</sup> Fateh Singh v. State of Punjab, 2023 SCC Online P&H 6041, ¶7.

<sup>116</sup> State v. Jaswinder Singh, CNR No. PBLD010191112023 of 2023, ¶¶6, 9 (Ludhiana District Court) (Unreported) ('Jaswinder Singh').

<sup>117</sup> *Id.*, ¶7.

<sup>118</sup> Gurinder Kaur, *supra* note 106, ¶6.

<sup>119</sup> Jain & Shah, *supra* note 37, 6; Chandra et al., *supra* note 89, 162.

<sup>120</sup> Cook et al., *supra* note 11, 354.

<sup>121</sup> Jaswinder Singh, *supra* note 116; State v. Jaswinder Kaur, CNR No. PBLDC10026822023 of 2023, (Ludhiana District Court) (Unreported).

The belief that spousal consent is mandatory for an abortion is entirely unfounded, both in terms of statutes and jurisprudence.<sup>122</sup> However, this misconception remains deeply embedded within judicial thinking, often reflected in decisions across various courts, further complicating access to safe and legal abortion services. As seen in the next section, it remains one of the most common grounds for the prosecution of pregnant persons and other parties under §312.

*C. §312 IS USED TO PROSECUTE PREGNANT PERSONS WHO DID NOT OBTAIN CONSENT OF THE SPOUSE*

Although prosecution of pregnant persons for consensual and legal abortions takes place on various grounds using §312 of the IPC, this sub-section focuses on the issue of spousal consent, which is not a legal requirement for abortion services.

There are several cases in Punjab where pregnant persons have been charged under §312 on the sole ground that they did not obtain prior consent from their husbands for the abortions. There is also little to no understanding by district courts that spousal consent is not required. For instance, in *Harjit Kaur and Baljinder Singh*,<sup>123</sup> two of the accused were a relative of the pregnant woman and her husband who aided in carrying out a consensual abortion. The Amritsar District Court clearly stated that no abortion could take place without the husband's consent, which is completely unfounded in law, harmfully reinforcing the notion that spousal consent is mandatory for seeking abortion services by a pregnant woman.

Further, in *Hina Sharma*,<sup>124</sup> the Faridkot District Court noted that the pregnant woman and her family were involved in the illegal abortion of the accused, Hina Sharma, without the consent of her husband.<sup>125</sup> The FIR was lodged by the complainant-husband under §312 of the IPC against the pregnant woman, along with a conspiracy charge against her family members for facilitating the abortion. In this case, the District Court undertook a clear misreading of the law, by conflating legality with spousal consent and entirely forgoing the MTP Act. Notably, the complainant had already filed another complaint under the same circumstances, which led to the cancellation of one out of two FIRs pertaining to the matter.

Similarly, in *Harjit Singh v. Raghbir Singh*,<sup>126</sup> Parwinder Kaur was the accused who had obtained an abortion of her own will. She was the wife of the complainant Harjit Singh, who had a good reputation in the village and the surrounding areas, as stated by the Gurdaspur District Court.<sup>127</sup> Although her pregnancy was within the permissible gestation period for termination under the MTP Act with a gestational age of eight weeks, she was summoned to the Gurdaspur District Court under §312 of the IPC, on the ground that she had her pregnancy terminated against her husband's consent, making it illegal in nature.<sup>128</sup> The District Court found inconsistencies in the complaint, such as an unexplained delay of nine months before the complaint was filed. The police also did not examine a doctor to substantiate the charge of an 'illegal' pregnancy and failed to examine any independent witness.<sup>129</sup> The District Court also categorically mentioned that the ingredients of §420 of the IPC were not

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<sup>122</sup> X, *supra* note 40, ¶14.

<sup>123</sup> *Harjit Kaur and Baljinder Singh*, *supra* note 77, ¶6.

<sup>124</sup> *Hina Sharma*, *supra* note 78, ¶2.

<sup>125</sup> *Id.*

<sup>126</sup> *Harjit Singh v. Raghbir Singh*, CNR No. PBGDA10000872017 of 2017, ¶¶1–3 (Gurdaspur District Court) (Unreported).

<sup>127</sup> *Id.*, ¶1.

<sup>128</sup> *Id.*

<sup>129</sup> *Id.*, ¶1.

fulfilled, and dishonest intention was not proven either. The District Court found no grounds to summon the accused and thus dismissed the complaint.<sup>130</sup> This case is yet another example of spousal consent being misunderstood as a prerequisite for abortions to be considered as legal, with its absence warranting prosecution — despite falling within the gestational period exception to the MTP Act.

In *Manu Gupta*,<sup>131</sup> the complainant was the pregnant woman's husband. Both parties were doctors, likely from educated, economically privileged backgrounds.<sup>132</sup> The complainant lodged an FIR against the pregnant woman under §312 of the IPC and the MTP Act for terminating her pregnancy without his knowledge and consent.<sup>133</sup> The Mohali District Court dismissed the complaint — not on the ground that spousal consent is not legally required — but because it found the complainant's allegations vague and baseless.<sup>134</sup> It is also important to note that the pregnancy was six weeks and four days old, falling squarely within the gestational period exception within the MTP Act. However, this was not even considered by the District Court.

The invocation of §312 of the IPC for lack of spousal consent seems to overlap in some cases with pre-existing matrimonial or domestic disputes. For instance, in *Vijay Kumar v. Simarjit Kaur* ('Vijay Kumar'),<sup>135</sup> which is discussed in detail later in respect of matrimonial disputes, the pregnant woman was prosecuted under §312 on the ground that the consent of the complainant-husband was not taken. In *Dr. Sheetal Garg v. Dr. Harkirat Gill* ('Dr. Sheetal Garg'),<sup>136</sup> the complainant-husband, Dr. Sheetal Garg, was married to the first accused, Dr. Harkirat Gill, who was the pregnant woman. The husband filed a complaint under §312, §34, and §120-B of the IPC and §5 of the MTP Act.<sup>137</sup> It was his case that the pregnant woman, who was the first accused, and the second accused, who was her partner, had built physical relationships which "caused acute pain and agony besides humiliation in public".<sup>138</sup> The complainant-husband also filed a complaint against the second accused for adultery.<sup>139</sup>

The primary ground for the complaint under §312 of the IPC was that the pregnant woman did not obtain prior spousal consent before undertaking the abortion service. The Ludhiana District Court discharged the pregnant woman without stating that spousal consent is not a requirement for an abortion. It emphasised that the complainant-husband had to show that the pregnancy was terminated without his consent. The District Court also observed that the pregnant woman has not committed any offence punishable under §312 as no pre-charge evidence was led by the complainant, and thereby granted bail to the pregnant woman.

The persistent belief that pregnant women require their husbands' consent to terminate a pregnancy reflects deeply entrenched hetero-patriarchal norms. These societal attitudes impose significant barriers to pregnant persons exercising their legal right to abortion under the MTP Act. When courts reinforce this misconception, they not only legitimise

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<sup>130</sup> *Id.*

<sup>131</sup> *Dr. Manu Gupta*, *supra* note 79, ¶2.

<sup>132</sup> *Id.*, ¶3.

<sup>133</sup> *Id.*, ¶5.

<sup>134</sup> *Id.*, ¶8.

<sup>135</sup> *Vijay Kumar v. Simarjit Kaur*, CNR No. PBMN010023422016 of 2016, ¶11 (Mansa District Court) (Unreported) ('Vijay Kumar').

<sup>136</sup> *Dr. Sheetal Garg v. Dr. Harkirat Gill*, CNR No. PBLD030018092017 of 2017, ¶2 (Ludhiana District Court) (Unreported) ('Dr. Sheetal Garg').

<sup>137</sup> *Id.*, ¶2.

<sup>138</sup> *Id.*

<sup>139</sup> *Id.*

patriarchal control over reproductive choices but also create a chilling effect, discouraging access to safe abortion services. Most importantly, such judicial misinterpretations lead to prolonged legal harassment of pregnant persons, their families, and partners, further entrenching systemic injustices.

*D. §312 IS BEING APPLIED WRONGLY IN CASES OF TERMINATION OF PREGNANCY WITHOUT THE CONSENT OF THE WOMEN (FORCED ABORTION)*

There are several cases where §312 of the IPC is wrongfully applied, where abortion has taken place without the pregnant person's consent (where §313 would be applicable), but §312 is unnecessarily invoked. As outlined earlier, §313 criminalises abortions undertaken without the consent of the pregnant woman.<sup>140</sup>

In *Joginder Singh v. Jasbir Kaur*,<sup>141</sup> the accused — including the complainant's husband, father-in-law, mother-in-law, and brother-in-law — were alleged to have terminated the complainant's pregnancy without her consent. Despite the clear lack of consent, which warranted the invocation of §313 of the IPC, the case was instead incorrectly charged under §312. This misapplication of the law not only diluted the seriousness of the offence but also reflected systemic gaps in recognising and addressing forced abortions within the legal framework. Further, in *Gursohan Singh Aujla v. State of Punjab*,<sup>142</sup> the accused persons were the husband and the in-laws of the pregnant woman. The accused persons harassed the complainant for dowry and subjected her to domestic violence. On account of intense stress, the pregnancy was terminated. Despite the fact that it was a forced termination, §312 was wrongfully applied. In *Dalip Kaur v. State of Punjab*,<sup>143</sup> connected with *Juginder Singh and Dalip Kaur v. Ranjeet Kaur*,<sup>144</sup> there was a clear case of physical harm to the pregnant woman, resulting in a miscarriage. The complainant's husband and in-laws were summoned under §312, notably leaving out §313. In *Varinder Singh v. State of Punjab*<sup>145</sup> and *Jaspreet v. State of Punjab*,<sup>146</sup> §313 was again not applied for physical assault causing a miscarriage.

There are several cases of rape and subsequent forced abortion where §312 is wrongly applied. In *Manpreet Singh v. State of Punjab*<sup>147</sup> and *State v. Manpreet Singh and Sharanjit Kaur*,<sup>148</sup> the complainant-pregnant woman was subject to marital rape by her husband while she was two months (approximately eight weeks) pregnant. As a result, she suffered complications and had to terminate her pregnancy. Despite these circumstances, the husband and in-laws were charged under §312 and not §313 — despite the fact that even if it had been a consensual abortion, it would fall under the MTP Act's gestational period exception.

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<sup>140</sup> H.B. Das, *Legal Provisions in IPC and CrPC for Women*, ODISHA REVIEW, 136 (2016) available at <https://magazines.odisha.gov.in/Orissareview/2016/Feb-Mar/engpdf/136-141.pdf> (Last visited on February 27, 2025).

<sup>141</sup> *Joginder Singh v. Jasbir Kaur*, CNR No. PBFZC20001342013 of 2013 (Fazilka District Court) (Unreported).

<sup>142</sup> *Gursohan Singh Aujla v. State of Punjab*, CNR No. PBSG010049332018 of 2018 (Sangrur District Court) (Unreported).

<sup>143</sup> *Dalip Kaur v. State of Punjab*, CNR No. PBFZC00038922020 of 2020, (Fazilka District Court) (Unreported).

<sup>144</sup> *Juginder Singh and Dalip Kaur v. Ranjeet Kaur*, CNR No. PBFZC00017212022 of 2022 (Fazilka District Court) (Unreported).

<sup>145</sup> *Varinder Singh v. State of Punjab*, CNR No. PBHO010019732023 of 2023 (Hoshiarpur District Court) (Unreported).

<sup>146</sup> *Jaspreet v. State of Punjab*, CNR No. PBHOB10004422023 of 2023 (Hoshiarpur District Court) (Unreported).

<sup>147</sup> *Manpreet Singh v. State of Punjab*, CNR No. PBLD010207622018 of 2018 (Ludhiana District Court) (Unreported).

<sup>148</sup> *State v. Manpreet Singh and Sharanjit Kaur*, CNR No. PBLD030386372018 of 2018 (Ludhiana District Court) (Unreported).



Similarly in *Sushil Kumar v. State of Punjab*,<sup>149</sup> the pregnant woman's partner was charged under §312 and not §313, along with §376 (rape), despite the fact that he raped the pregnant woman and then took her to a clinic to for termination. In this case, §312 should not have been applied at all. In *State v. Jagtar Singh @ Kala*,<sup>150</sup> the accused rapist forced the pregnant woman to terminate her pregnancy when she was "5–6 months" (approximately twenty to twenty-four weeks) pregnant. Again, §313 was not applied, and §312 was invoked. In this case as well, even if the abortion had been consensual, §312 would not have applied as the abortion took place within the gestational limit provided in the MTP Act. In *Rakesh Kumar Sharma v. State of Punjab*,<sup>151</sup> the accused-husband physically assaulted the pregnant woman, causing a miscarriage. When she became pregnant again, the accused-husband forced her to consume a medicine for the termination of her pregnancy. However, §313 was not applied in this case as well.

Even in extremely grave cases such as *State of Punjab v. Satish Kumar Sharma*,<sup>152</sup> where the accused person had caused a miscarriage while also facing charges of harassment under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, §313 of the IPC was not applied to the accused person. Notably, the case has been pending for over five years, and the trial is still ongoing.

In the case of *State of Punjab v. Sukhdev Singh, Ashok Kumar, Sandeep Singh and Surjit Kaur* ('Sukhdev Singh'),<sup>153</sup> the pregnant woman was raped and threatened by the accused persons on two occasions. Thereafter, she was taken to the clinic of Dr. Sandeep Kumar and the accused number four (Surjit Kaur). At the clinic, her pregnancy was terminated. However, she was in severe pain due to an incomplete abortion, after which this matter was reported by her family members. During the course of the investigation, the police examined 'the foetus' and summons was issued under both §312 and §313 of the IPC, amongst other provisions, to the accused. It must be noted here that the facts indicate that a case should have been filed against the accused only under §313 and not §312, since the former alludes to miscarriages caused without the consent of the pregnant woman. One doctor's testimony revealed that the pregnant woman suffered from septicaemic shock, resulting from post-abortion uterine perforation, that caused her death. The Deoxyribonucleic Acid report showed Ashok Singh to be responsible for the pregnancy. Dr. Surjit Kaur had no medical training to conduct the abortion but took part in the procedure. The Ferozepur District Court found the accused persons to be guilty under §312 and §313 of the IPC, amongst other provisions, and they were given various concurrent sentences. All accused persons in this case were charged and prosecuted under §312 despite the fact that it was a case of forced and non-consensual abortion, for which only §313 should apply. By applying §312 in this instance, the District Court failed to treat this matter with the requisite gravity. §313 has significantly higher penalties and is a non-bailable offence, meaning that a substantive court hearing is required

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<sup>149</sup> *Sushil Kumar v. State of Punjab*, CNR No. PBMN010004462017 of 2017 (Mansa District Court) (Unreported).

<sup>150</sup> *State v. Jagtar Singh @Kala*, CNR No. PBR0030017872020 of 2020 (Rupnagar District Court) (Unreported).

<sup>151</sup> *Rakesh Kumar Sharma v. State of Punjab*, CNR No. PBAS010145212022 of 2022 (Amritsar District Court) (Unreported).

<sup>152</sup> *State of Punjab v Satish Kumar Sharma*, CNR No. PBHO010090892022 of 2022 (Hoshiarpur District Court) (Unreported).

<sup>153</sup> *State of Punjab v. Sukhdev Singh*, CNR No. PBFZD10008052016 of 2016 (Ferozepur District Court) (Unreported).

before bail is granted to accused persons.<sup>154</sup> On the other hand, §312 has lesser penalties and is a bailable offence, where bail is granted as a matter of right.<sup>155</sup>

The incorrect application of §312 in cases of involuntary termination not only increases the risk of prosecuting pregnant persons but also encourages law enforcement to misuse this provision, further entrenching systemic barriers to reproductive rights. Many forced abortion cases, particularly those involving family members, often stem from underlying domestic disputes, where §312 is weaponised as a tool of harassment rather than justice.

The persistent misapplication of §312 of the IPC — whether in consensual or forced abortions — exposes the deep flaws in India’s abortion legal framework. By disregarding the MTP Act’s clear exceptions, courts reinforce patriarchal norms that wrongfully prioritise spousal consent over a pregnant person’s autonomy while failing to apply the correct legal provisions in cases of forced abortion. This systemic failure leads to wrongful prosecutions, prolonged legal harassment, and significant emotional and psychological distress for those seeking or being forced into abortions. The next section highlights the use of §312 as a tool of harassment.

#### *E. §312 HAS BEEN USED AS A TOOL OF HARASSMENT*

Several cases in the Punjab district courts show that charges under §312 of the IPC are brought frivolously into the domain of domestic and marital disputes. There is a harmful pattern in the way civil issues around divorce or other marital problems are brought within the criminal domain, through the often-indiscriminate application of §312. Even if such proceedings do not end in the conviction of the concerned parties, the potential for frequent interaction with the criminal justice system by invoking §312 could result in widespread harassment and trauma for accused persons.

In *Santosh Kumari and Kapil v. State of Punjab*,<sup>156</sup> the Fazilka District Court heard a bail application filed by the mother-in-law and brother-in-law of the complainant-wife. The accusations in the FIR were that the complainant-wife had experienced “maltreatment, harassment and torture at the hands of the accused”<sup>157</sup> while demanding dowry. The charges, therefore, included §406 (criminal breach of trust), §498A (cruelty), as well as §312 of the IPC. The District Court did not go into the merits of the case, nor did it comment on the circumstances around invoking §312 but still observed that in such cases there was a tendency to involve family members of the husband during disputes between the wife and husband.<sup>158</sup> The District Court noted that “Girl family usually come out with inflated and exaggerated allegations, roping in, even the remote relation of the husband” and allowed the bail application.<sup>159</sup>

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<sup>154</sup> Dipika Jain, *MTP Bill’s Proposal for a Bureaucracy to Vet Abortions is Ill-Judged and Impractical*, THE INDIAN EXPRESS, February 11, 2021, available at <https://indianexpress.com/article/opinion/columns/mtp-bills-proposal-for-a-bureaucracy-to-vet-abortions-is-ill-judged-and-impractical-7183300/> (Last visited on February 15, 2025).

<sup>155</sup> *Id.*

<sup>156</sup> *Santosh Kumari and Kapil v. State of Punjab*, CNR No. PBFZC00019522020 of 2020 (Fazilka District Court) (Unreported).

<sup>157</sup> *Id.*, ¶1.

<sup>158</sup> *Id.*, ¶4.

<sup>159</sup> *Id.*

In *Tarsem Singh v. Chandan Preet Kaur*,<sup>160</sup> the complainant was the father-in-law of the first accused, who was the pregnant woman. She had married the complainant's son and had thereafter conceived. She was, however, said to have pressurised her husband to take his share of the joint property and settle elsewhere.<sup>161</sup> When the husband refused, the pregnant woman allegedly threatened to terminate the pregnancy.<sup>162</sup> It was also the complainant's case that the accused-wife "took away her gold ornaments and INR 16,000/- (Indian Rupees Sixteen Thousand) with her" to her parental house.<sup>163</sup> The complainant, thereafter, alleged that she had an abortion and filed a complaint under §312.<sup>164</sup> Further, the Hoshiarpur District Court observed that other than oral allegations, no evidence as to the alleged termination was produced,<sup>165</sup> and no doctor that provided the allegedly illegal abortion service was examined. The Hoshiarpur District Court noted that the complainant's allegations were the outcome of a matrimonial dispute between the accused-wife and her husband.<sup>166</sup> The District Court, therefore, found the complainant to be not maintainable and dismissed it.

In four other cases in Sri Muktsar Sahib (all linked to the same matter), including *Dr. Archana Pathak*,<sup>167</sup> *Sharin Kapoor I*,<sup>168</sup> *Sharin Kapoor II*,<sup>169</sup> and *Shairan Kapoor*,<sup>170</sup> §312 of the IPC was invoked in a case of non-consensual termination caused by physical assault of the pregnant woman. The primary accused in this matter were the pregnant woman, her family and the doctor who terminated the pregnancy.<sup>171</sup> The accused pregnant woman and the complainant were married, but one day after their marriage, she fell ill and was taken to the hospital, where it was revealed that she was pregnant from a previous relationship.<sup>172</sup> The accused and the complainant went to attend a marriage in Delhi two months later, where she was treated with cruelty, including being beaten and injuring her abdomen, resulting in bleeding.<sup>173</sup> She then called the police on the emergency number 100, and was taken to a hospital where she was recommended bed rest and discharged. She was then taken to a second hospital where the ultrasound showed no foetal heartbeat.<sup>174</sup> The complainant-husband filed a case under §312, and the District Court observed that the case was a counter-blast case against a former domestic violence and dowry harassment case filed by the pregnant woman against him. The District Court thus quashed the matter.<sup>175</sup>

It is important to note that even if this was a case of consensual abortion, as alleged by the complainant's husband, there was no illegality whatsoever as per the MTP Act. The gestational age of the pregnancy was sixteen weeks only, and as seen earlier, there is no requirement for spousal consent under the law. The police and District Court failed to appreciate this aspect of the law and the Court only took into account that there had been pending domestic violence and dowry cases filed by the pregnant woman. The FIR had been

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<sup>160</sup> *Tarsem Singh v. Chandan Preet Kaur*, CNR No. PBHOA10000712017 of 2017 (Hoshiarpur District Court) (Unreported).

<sup>161</sup> *Id.*, ¶1.

<sup>162</sup> *Id.*

<sup>163</sup> *Id.*

<sup>164</sup> *Id.*

<sup>165</sup> *Id.*, ¶5.

<sup>166</sup> *Id.*, ¶6.

<sup>167</sup> *Dr. Archana Pathak*, *supra* note 80, 79.

<sup>168</sup> *Sharin Kapoor I*, *supra* note 81, ¶1.

<sup>169</sup> *Sharin Kapoor II*, *supra* note 82.

<sup>170</sup> *Shairan Kapoor*, *supra* note 83.

<sup>171</sup> *Sharin Kapoor I*, *supra* note 81, ¶2.

<sup>172</sup> *Id.*

<sup>173</sup> *Id.*

<sup>174</sup> *Id.*

<sup>175</sup> *Shairan Kapoor*, *supra* note 83.

filed in 2017, but the court hearing took place only in 2019, leading to undue harassment of the accused parties for two years. The doctor also sought interim bail, which was granted by the trial court (examined in detail below) on the grounds that the accused doctor had joined the investigation of the case.

Apart from the cases above where courts have observed *mala fide* intent in filing the complaints, there are other cases that demonstrate correlation, rather than causation between domestic disputes and the filing of §312 of the IPC complaints. In Vijay Kumar,<sup>176</sup> the original complaint under §312 had been dismissed by a Magistrate, leading to the filing of a revision petition. The complainant-husband alleged that his accused wife coerced him into marrying her by threatening her own life.<sup>177</sup> When she became pregnant, she was taken by her parents back home, and her parents tried to terminate the pregnancy. The accused wife had alleged that the complainant had committed adultery, was addicted to drugs and had also made dowry demands against her repeatedly.<sup>178</sup> The accused wife told the complainant-husband that she was no longer pregnant — leading him to make a §312 complaint, on grounds that she did not obtain spousal consent.<sup>179</sup> The Mansa District Court found that no proof was shown to substantiate the charge of ‘miscarriage’, and dismissed the petition due to lack of merit.<sup>180</sup> Again here, it is possible that the case was filed as a tool of harassment by the complainant-husband in the background of significant criminal action that had allegedly been undertaken against him in the past.<sup>181</sup>

Further, in Dr. Sheetal Garg,<sup>182</sup> the pregnant woman (the first accused), her partner, and the doctors terminating the consensual pregnancy were charged under §312 in the background of matrimonial disputes between the pregnant woman and her husband, who was the complainant in the case. The complainant had earlier filed a separate complaint for cruelty under §497 of the IPC, on account of the pregnant woman’s extramarital relationship.<sup>183</sup> Further, she had moved away from her husband and a divorce case was pending between them.<sup>184</sup> The complainant-husband’s decision to file a case under §312 against the pregnant woman and her partner indicates how this provision could be used as a tool for harassing pregnant women and their partners and families in the background of family disputes, especially in cases of dowry harassment and domestic violence – on frivolous grounds that there was no spousal consent. The court also did not dispute the ground and stated that the complainant had not shown sufficient evidence to demonstrate that abortion took place without his consent.<sup>185</sup>

This case reflects the alarming trend of using §312 of the IPC as a tool to harass the pregnant person. Additionally, the language of the District Court in this case fails to appreciate the legality of the pregnancy. It does not invoke the MTP Act nor dwell on the gestation age of the pregnancy. Further, in cases involving family or matrimonial disputes, women often find themselves entangled in legal battles where their reproductive decisional autonomy and agency are questioned. For instance, as seen in cases where women face charges under §312 for terminating pregnancies, the courts despite being designed to protect women,

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<sup>176</sup> Vijay Kumar, *supra* note 135.

<sup>177</sup> *Id.*, ¶2.

<sup>178</sup> *Id.*

<sup>179</sup> *Id.*

<sup>180</sup> *Id.*

<sup>181</sup> *Id.*

<sup>182</sup> Dr. Sheetal Garg, *supra* note 136.

<sup>183</sup> *Id.*, ¶2.

<sup>184</sup> *Id.*

<sup>185</sup> *Id.*, ¶8.

may still operate within a patriarchal legal framework that prioritises male authority and spousal consent over the woman's autonomy. This not only undermines the purpose of gender justice but also leaves pregnant persons vulnerable to unnecessary legal harassment. In addition to the harassment of pregnant persons, §312 is also used to prosecute RMPs, as seen in the next sub-section.

*F. §312 IS USED FRIVOLOUSLY IN CASES PROSECUTING REGISTERED MEDICAL PRACTITIONERS*

§312 of the IPC has been misapplied in many cases where RMPs are arrested and prosecuted. There is confusion on the ground between the PCPDNT and MTP Acts, which often results in §312 charges being filed in cases along with the PCPNDT Act unnecessarily, as those cases should solely invoke the PCPNDT Act provisions.<sup>186</sup> For instance, in the case of *Meena Rani v. State of Punjab*,<sup>187</sup> the applicant was accused of engaging in a gender determination test. She was accused of possessing an ultrasound machine in the clinic that she used to disclose the gender of fetuses and to conduct gender-biased sex-selection. She allegedly took INR 25,000/- (Indian Rupees Twenty five thousand) to conduct the test for the services. The charge of §312 of the IPC was applied along with several provisions in the PCPNDT Act.<sup>188</sup> The case against the accused person was that she was “the lady who has been caught red handed by the Medical Team by laying a trap for conducting the sex determination test of the child in the womb of lady by taking the money”,<sup>189</sup> pursuant to a sting operation conducted by the police. The Patiala District Court reinforced the stance of the prosecution, stating that she violated the PCPNDT Act provisions<sup>190</sup> and denied bail.<sup>191</sup> No abortion was conducted in this case, and the District Court made no specific comment on the frivolous charge under §312 of the IPC. The only reference to abortion came from the prosecution's argument, which stated that after gender determination, “if it is found to be a girl, abortion is also conducted”.<sup>192</sup> This highlights how §312 can be misused to criminalise individuals based on mere speculation rather than concrete evidence, further reinforcing its role as a tool for legal harassment rather than justice.<sup>193</sup> Additionally, in *Dr. Vasudha Singh v. State of Punjab* ('Dr. Vasudha Singh'),<sup>194</sup> the complainant, a senior medical officer, registered a complaint stating that the accused engaged in a gender determination test on a pregnant woman where she declared that the foetus was female. In the connected matter of *Dai Salochna Devi v. State of Punjab*,<sup>195</sup> the same pregnant woman approached the accused to avail gender biased sex selection. It is important to note that in *Dr. Vasudha Singh* case,<sup>196</sup> §312 of the IPC was inapplicable, as the factual matrix only attracted the provisions of the PCPNDT Act.

<sup>186</sup> Dipika Jain & Brian Tronic, *Conflicting Abortion Laws in India: Unintended Barriers to Safe Abortion for Adolescent Girls*, Vol. 4(4), I.J.M.E., 312 (2019) ('Jain & Tronic').

<sup>187</sup> *Meena Rani v. State of Punjab*, CNR No. PBPT010040352024 of 2024, ¶2 (Patiala District Court) (Unreported).

<sup>188</sup> *Id.*, ¶6.

<sup>189</sup> *Id.*, ¶5.

<sup>190</sup> *Id.*, ¶6.

<sup>191</sup> *Id.*

<sup>192</sup> *Id.*, ¶2.

<sup>193</sup> *Id.*

<sup>194</sup> *Dr. Vasudha Singh v. State of Punjab*, CNR No. PBSM010003302022 of 2022 (Sri Muktsar Sahib District Court) (Unreported) ('Dr. Vasudha Singh').

<sup>195</sup> *Salochna Devi v. State of Punjab*, CNR No. PBSM03002402021 of 2021 (Sri Muktsar Sahib District Court) (Unreported).

<sup>196</sup> *Dr. Vasudha Singh*, *supra* note 194.

In the case of Hina Sharma,<sup>197</sup> a complaint was filed against the doctor who provided a consensual abortion service, under §312 of the IPC, with an unspecified gestation period. In the case of Dr. Archana Pathak,<sup>198</sup> discussed earlier, the medical practitioner who provided abortion services was prosecuted under §312, despite the fact that she had nothing to do with the ‘miscarriage’ experienced by the pregnant woman due to a physical assault. She applied for bail, which was finally granted by the District Court on the basis that she had joined the investigation and was not required for further examination. In Dr. Sheetal Garg case,<sup>199</sup> the complainant-husband (aside from prosecuting the wife, Dr. Harkirat Gill) also accused the doctor of illegally prescribing termination pills. However, it is crucial to note that, under §3 and §4 of the MTP Act, an RMP is authorised to administer mifepristone with misoprostol to a patient if the abortion occurs within nine weeks of gestation.<sup>200</sup> The Central Drugs Standard Control Organisation (‘CDSCO’) approved the use of MA pills on December 16, 2008, for medical termination of pregnancy up to sixty-three days or nine weeks of gestation, based on the first day of the last menstrual cycle.<sup>201</sup> According to the National Health Mission’s Comprehensive Abortion Care: Training and Service Delivery Guidelines issued in 2018, the second pill (misoprostol) can be safely administered at home by the pregnant woman, at the discretion of the RMP.<sup>202</sup>

These cases show the indiscriminate application of §312 that can significantly deter medical practitioners from providing abortion services, which in turn restricts access to safe, timely and affordable abortion services for pregnant persons. Unsafe, back-alley abortions result from situations where pregnant persons are constrained to avail of such options, due to unavailability or inaccessibility to safe and legal facilities.

There have been prosecutions of non-registered medical practitioners for providing abortion services without an appropriate license. However, in prosecuting non-registered medical practitioners in such matters, the state fails to account for the shockingly low number of RMPs in Punjab who are authorised to conduct abortions. For instance, a 2020 study found that only ninety-three of 356 vacancies for medical specialists in rural health centres were filled in Punjab overall.<sup>203</sup> Further, Punjab lacked nearly seventy-two percent of the obstetricians and gynaecologists it required and nearly seventy-nine percent.<sup>204</sup> As a result, nearly eighty-six percent of all abortion services sought in Punjab were either private or at-home services.<sup>205</sup> The same can be witnessed in cases such as *Indra Rani alias Nathli v. State of Punjab*,<sup>206</sup> where the accused applicant (who was arrested in a police raid), was allegedly

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<sup>197</sup> State v. Hina Sharma, CNR No. PBF030039382021 of 2021 (Faridkot District Court) (Unreported); State v. Hina Sharma, CNR No. PBF030021032023 of 2023 (Faridkot District Court) (Unreported).

<sup>198</sup> Dr. Archana Pathak, *supra* note 80.

<sup>199</sup> Dr. Sheetal Garg, *supra* note 136, ¶2.

<sup>200</sup> The Medical Termination of Pregnancy Act, 1971, §4.

<sup>201</sup> Dipika Jain et al., *Medical Abortion through Telehealth in India: A Critical Perspective*, Vol. 29(2), SEX. REPROD. HEALTH MATTERS, 453 (2022); CENTRAL DRUGS STANDARD CONTROL ORGANISATION, *Fixed Dose Combinations Approved by DCG (I) since 1961 to 28th June 2019*, available at <https://cdsco.gov.in/opencms/resources/UploadCDSCOWeb/2018/UploadApprovalNewDrugs/dciApprovedfdc.pdf> (Last visited on February 27, 2025).

<sup>202</sup> *Id.*

<sup>203</sup> Dipika Jain et al., *Medical Boards for Access to Abortion Untenable: Evidence from the Ground*, CENTRE FOR JUSTICE LAW AND SOCIETY, 14, available at [https://static1.squarespace.com/static/61c2f36a329cfe4aa53a49d7/t/62a62302ff719e1864442af3/1655055138071/CJLS\\_Medical\\_Boards\\_Report\\_Final.pdf](https://static1.squarespace.com/static/61c2f36a329cfe4aa53a49d7/t/62a62302ff719e1864442af3/1655055138071/CJLS_Medical_Boards_Report_Final.pdf) (Last visited on February 15, 2025).

<sup>204</sup> *Id.*, 17.

<sup>205</sup> *Id.*, 20.

<sup>206</sup> *Indra Rani alias Nathli v. State of Punjab*, CNR No. PBJL010051602023 of 2023 (Jalandhar District Court) (Unreported).

providing abortion services from her home without possessing a valid medical license. The Jalandhar District Court order does not mention whether the accused person was a midwife or had any years of experience.

The utilisation of midwives and non-registered practitioners for termination by many abortion seekers indicates that RMPs are not always accessible to pregnant persons, and also calls for the potential expansion of the provider base who can legally perform abortions to enable access to safe, affordable, and timely abortion services.<sup>207</sup> The importance of expanding the provider base for safe abortions is illustrated in the 2022 WHO Abortion Care Guideline,<sup>208</sup> in which Recommendation fifty, pertaining to self-management of medical abortions at less than twelve weeks gestation, calls for expansion of the provider/prescriber base to include community health workers, pharmacy workers and pharmacists, traditional and complementary medicine professionals, auxiliary nurses midwives, nurses, midwives, associate/advanced associate clinicians, generalist medical practitioners and specialist medical practitioners. In addition to the formal guideline, there is abundant research and evidence that supports provider base expansion for abortion services, stating that this can facilitate access to safe abortion and prevent instances of unsafe abortion.<sup>209</sup> This point ties into the existence of structural barriers to access, and how they lead to prosecution, which is explored in the following sub-section.

#### IV. BREAKING DOWN THE HUMAN COST OF PROSECUTION

The review of Punjab trial court case laws in the prior section clearly demonstrates the harmful implications of prosecution under §312 of the IPC, which invoke heavy human costs. This starts with police registering complaints under §312 for consensual, legal abortions, thereby initiating interactions between pregnant persons and/or their families and/or medical practitioners, amongst others, with the criminal justice system. This acts as a starting point for years of undue harassment, incarceration, counter-blast cases and further marginalisation, especially for marginalised pregnant persons.

Importantly, trends of prosecution between 2013 and 2020 in Punjab, when compared with prosecutions from 2021 onwards, show a sharp increase on all fronts. This increase coincides with COVID-19 and its ensuing lockdown restrictions, which severely impeded access to abortions, especially by already marginalised pregnant persons living in remote or rural areas.<sup>210</sup> In a study done by the Maternal and Perinatal Health Research collaboration platform, a collaboration between the United Kingdom and India, investigators of the study found an increase in septic abortion cases in the fifteen hospitals studied across five Indian states.<sup>211</sup> The researchers found this to be indicative of a lack of access to safe abortion services and timely care.<sup>212</sup> Other barriers that affected abortion access included pregnant persons being forced to move in with their family members. Due to travel restrictions, the stigma surrounding abortion as well as the particular impact on those with marginalised

<sup>207</sup> Dipika Jain, *Legal Challenges in Expanding the Provider Base for Abortion in India*, Vol. 168(3), INT. J. GYNECOL OBSTET., 1346 (2024); IPAS, *A Report on the Expanding Provider Base Workshop*, 3 (January 19–21, 2013), available at <https://www.ipas.org/wp-content/uploads/2020/07/EXPBWRE13-ReportonExpandingtheProviderBaseWorkshop.pdf> (Last visited on February 15, 2025).

<sup>208</sup> WHO, *supra* note 105.

<sup>209</sup> Ernestina Coast et al., *Trajectories of Women's Abortion-Related Care: A Conceptual Framework*, SOC. SCI MED., 200 (2018).

<sup>210</sup> Jain & Balu, *supra* note 27.

<sup>211</sup> Bartosz Hadyniak, *COVID-19 Lockdowns Spark a 'Reproductive Health Crisis' in India*, NATIONAL PERINATAL EPIDEMIOLOGY UNIT, May 6, 2022, available at <https://www.npeu.ox.ac.uk/news/2154-covid-19-lockdowns-spark-a-reproductive-health-crisis-in-india> (Last visited on February 15, 2025).

<sup>212</sup> *Id.*

identities,<sup>213</sup> access to reproductive services was hampered.<sup>214</sup> This is an important consideration, as restrictions to abortion services increase the overall numbers of unsafe and/or ‘illegal’ abortions that take place due to, in part, lapsed gestational limits, which in turn is likely to provoke additional prosecution against pregnant persons and abortion providers, amongst others.

#### A. CASES WHERE §312 AND §313 OF THE IPC WERE APPLIED TOGETHER

In forty-nine cases from 2013 to 2020 and forty-nine cases from 2021 onwards, §312 and §313 of the IPC have been applied together. Of these, there are thirty-nine cases where §312 have been applied, even though the abortion was coerced. Similarly, in *Sukhdev Singh*<sup>215</sup> and linked matters, §312 was also invoked even though the facts clearly mentioned this was a rape case and the pregnant woman was a minor whose pregnancy was forcibly terminated.

§313 was also invoked incorrectly in thirteen cases of consensual termination of pregnancy. In *Gurinder Kaur*<sup>216</sup> and nine other linked matters, §313 was invoked despite the facts highlighting the consensual nature of the termination. Additionally, closer analysis of the case did not reveal the rationale for invoking this provision. Similarly, in *Sahib Chand Sharma v. Hina Sharma*,<sup>217</sup> although the factual matrix of the case specifies that the termination of the pregnancy was consensual, §313 has inexplicably been invoked.

The invocation of §312 of the IPC in forced abortion cases as well as the inclusion of §313 in consensual abortion cases, further exacerbate the fear of prosecution for availing abortion services. It is also pertinent to note here that medical practitioners, as well as family members of pregnant persons, are also subject to prosecution under these provisions. As a result, pregnant persons and their families may be wary of seeking abortion services and RMPs may be apprehensive of providing them. Additionally, the criminalisation of consensual abortions completely ignores pregnant persons’ decisional autonomy and reinforces the doctor-centric nature of the law around abortions.<sup>218</sup> In such a framework, the doctor has the final say about whether the pregnant person can seek abortion services since it is the doctor’s opinion that is decisive under the MTP Act.<sup>219</sup> Thus, many a consensual abortion that does not fall within the rigorous confines of the MTP Act is deemed to be a criminal offence under §312 of the IPC.<sup>220</sup> The legal framework becomes even more ambiguous when multiple punitive legal provisions are applied together such as the PCPNDT Act and IPC provisions, increasing the scope of prosecution as seen in the next sub-section.

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<sup>213</sup> Jain & Balu, *supra* note 27.

<sup>214</sup> Devina Buckshee, *Dispatches from India: Pandemic Impacts Women’s Health*, YALE SCHOOL OF PUBLIC HEALTH, November 15, 2021, available at <https://ysph.yale.edu/news-article/dispatches-from-india-pandemic-impacts-womens-health/> (Last visited on February 15, 2025).

<sup>215</sup> *State of Punjab v. Sukhdev Singh*, CNR No. PBFZD10008052016 of 2016, ¶¶1, 2 (Ferozepur District Court) (Unreported).

<sup>216</sup> *Gurinder Kaur*, *supra* note 106, ¶1.

<sup>217</sup> *Sahib Chand Sharma v. Hina Sharma*, CNR No. PBF030041792022 of 2022 (Faridkot District Court) (Unreported).

<sup>218</sup> Shweta Krishnan, *MTP Amendment Bill, 2014: Towards Re-Imagining Abortion Care*, Vol 12(1), INDIAN J. MED. ETHICS., 45 (2015).

<sup>219</sup> *Id.*

<sup>220</sup> *Id.*



## B. CASES WHERE THE PCPNDT ACT AND §312 OF THE IPC WERE APPLIED TOGETHER

Between 2013 and 2020, two cases invoked the PCPNDT Act and §312 of the IPC together. However, from 2021 onwards, a huge increase was noted, with twelve cases being filed till August 2024.<sup>221</sup> The PCPNDT Act was wrongly invoked in the case of Gurinder Kaur,<sup>222</sup> which has nine other connected matters and in the case of *Sukhpal Kaur v. State of Punjab* ('Sukhpal Kaur').<sup>223</sup> It must be noted here that in these cases, the PCPNDT Act provisions were erroneously invoked for the pregnant women and their family members, as the PCPNDT Act is meant to apply to any establishment that uses ultrasonography or other equipment and not to pregnant persons or their families. In Gurinder Kaur<sup>224</sup> and its connected matters, §25 of the PCPNDT Act<sup>225</sup> and §312 of the IPC were invoked to prosecute the pregnant woman, her father, fiancé, and ex-partner for aiding in the termination of a late-term pregnancy.

These cases demonstrate that enforcement agencies often fail to distinguish between legal abortions under the MTP Act, which serves as an exception to §312 of IPC and the regulation of gender determination under the PCPNDT Act, despite the two being separate legal frameworks. Both laws, however, are frequently read together in practice, creating confusion and blurring the lines between them.<sup>226</sup> This overlap leads to unnecessary complications, where legal abortion providers and abortion seekers can find themselves unfairly scrutinised and criminalised.<sup>227</sup> The lack of clarity between these distinct legal provisions fosters a climate of fear and uncertainty for both abortion providers and pregnant individuals, as they are often caught in the crossfire of legal enforcement that does not adequately recognise the nuances between these different areas of law.<sup>228</sup> The false conflation of gender-determinative diagnostic techniques with legal access to abortion services through the invocation of the PCPNDT Act provisions with §312 of the IPC adds to the 'chilling effect' already experienced by medical practitioners in providing abortion services.<sup>229</sup> Further, its arbitrary application in bringing criminal charges against pregnant persons and their families further drives abortion seekers away from legitimate, safe abortions to back-alley abortions that can cause serious health complications.<sup>230</sup> Criminalisation also severely impacts adolescent access to abortion services, with penal provisions from the Protection of Children From Sexual Offences Act, 2012 ('POCSO Act') and §312 of the IPC exercising a cumulative effect, as seen in the following sub-section.

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<sup>221</sup> See for reference, Figure 1.

<sup>222</sup> Gurinder Kaur, *supra* note 106.

<sup>223</sup> *Sukhpal Kaur v. State of Punjab*, CNR No. PBSG010034012020 of 2020, ¶1 (Sangrur District Court) (Unreported) ('Sukhpal Kaur').

<sup>224</sup> Gurinder Kaur, *supra* note 106, ¶1.

<sup>225</sup> Whoever contravenes any of the provisions of this Act or any rules made thereunder, for which no penalty has been elsewhere provided in this Act, shall be punishable with imprisonment for a term which may extend to three months or with fine, which may extend to one thousand rupees or with both and in the case of continuing contravention with an additional fine which may extend to five hundred rupees for every day during which such contravention continues after conviction for the first such contravention, *see* The Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994, §25.

<sup>226</sup> Jain & Tronic, *supra* note 186, 312; Potdar, *supra* note 39, 114.

<sup>227</sup> Dipika Jain, *Time to Rethink Criminalization of Abortion? Towards a Gender Justice Approach*, Vol. 12(1) NUJS L. REV., 26 (2019).

<sup>228</sup> *Id.*

<sup>229</sup> *Id.*, 41; X, *supra* note 40, ¶22.

<sup>230</sup> Jain & Balu, *supra* note 27.

### C. CASES WHERE THE POCSO ACT AND §312 OF THE IPC WERE APPLIED TOGETHER

The POCSO Act defines a “child” as anybody under the age of eighteen years.<sup>231</sup> In India, the age of consent has been raised from sixteen to eighteen years for all genders, and the POCSO Act considers all sexual interaction with “minors” as a sexual offence.<sup>232</sup> The POCSO Act protects survivors of rape, sexual assault and harassment, but it also criminalises adolescent sex and adolescents are frequently discouraged from seeking SRH education since they are assumed to be abstinent under the law.<sup>233</sup> This also makes it risky for them to seek medical treatment for sexually transmitted illnesses and pregnancy prevention after consensual sex.<sup>234</sup> §19 of the POCSO Act requires that anyone with knowledge or apprehension of an offence under the POCSO Act, including the child survivor, must mandatorily report to the police, which creates significant barriers to abortion access, particularly for pregnant adolescents. Since adolescents are not legally considered capable of consent, this mandatory reporting obligation forces healthcare providers to notify authorities when providing healthcare services to pregnant minors, even if the adolescent does not wish to involve law enforcement.<sup>235</sup> This requirement not only undermines the confidentiality and autonomy of young individuals but also places providers in a difficult position, where they must choose between respecting their patient’s privacy and complying with the law.<sup>236</sup> This mandatory reporting framework, intended to protect minors, inadvertently perpetuates harm by reducing access to safe, legal healthcare options.<sup>237</sup> On the other hand, the language of §312 of the IPC says “whoever”, leaving pregnant adolescents vulnerable to prosecution, even in cases of voluntary abortions.

Between 2013 and 2020, eighteen cases were reported where the POCSO Act has been used with §312 of the IPC, with four such matters between 2021 and 2024. Out of the total thirteen registered district court cases, nine are connected to one specific fact situation, five are connected to another and three to another. As stated above, the reporting of cases under §312 and the POCSO Act together clearly highlight that when the pregnant person is a minor, their doctor and/or their partner can be prosecuted for an abortion, under both laws. This, in turn, significantly affects adolescent access to abortion services due to fear of prosecution of their partner with whom they have a consensual sexual relationship by law enforcement. While most cases reported were rape cases, with multiple accused persons and therefore multiple bail applications, there was one case, with two other connected matters, where there was a consensual sexual relationship between the parties.

In the case of *Ankit Pathak v. State of Punjab*,<sup>238</sup> the applicant and the pregnant adolescent met online and over time developed a relationship. While the pregnant adolescent was seventeen and the applicant nineteen, the parties engaged in consensual sex which led to

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<sup>231</sup> The Protection of Children From Sexual Offences Act, 2012, §2(d).

<sup>232</sup> Amita Pitre & Lakshmi Lingam, *Age of Consent: Challenges and Contradictions of Sexual Violence Laws in India*, Vol. 29(2), SEX REPROD. HEALTH MATTERS, 470 (2022).

<sup>233</sup> Dipika Jain & Anubha Rastogi, *Adolescent Abortions in the Covid-19 Landscape: Exposing the Legal Achilles’ Heel*, Vol. 9(1), I.J.M.E., 49 (2024).

<sup>234</sup> *Id.*

<sup>235</sup> *Id.*; Chandra et al., *supra* note 89, 140.

<sup>236</sup> *Id.*

<sup>237</sup> Swagata Raha, “Romantic” Cases under the POCSO Act, ENFOLD PROACTIVE HEALTH TRUST, June 2022, 12, available at [https://www.girlsnotbrides.org/documents/1951/Romantic-cases-under-the-POCSO-Act\\_wUNsbKC.pdf](https://www.girlsnotbrides.org/documents/1951/Romantic-cases-under-the-POCSO-Act_wUNsbKC.pdf) (Last visited on February 15, 2025).

<sup>238</sup> *Ankit Pathak v. State of Punjab*, CNR No. PBHO010006542024 of 2024, ¶5 (Hoshiarpur District Court) (Unreported).

her pregnancy.<sup>239</sup> With the help of the applicant, the pregnant minor used an abortion kit but later went to the hospital as she had severe abdomen pain.<sup>240</sup> The Hoshiarpur District Court noted that the police inspector in this matter received information of an abortion being conducted by an unmarried girl, on the basis of which the complaint was registered.<sup>241</sup> It is important to note that she admitted to the District Court that she did not want to take any action against the applicant, their actions were consensual and on attaining the age of eighteen years, she wanted to get married to the applicant.<sup>242</sup> The District Court ultimately granted the applicant bail, conditional upon furnishing a bail bond of INR 1,00,000/- (Indian Rupees One Lakh),<sup>243</sup> which is a prohibitively high amount for persons to afford to deposit with the District Court. Therefore, even the District Court's implicit acknowledgement of the consensual nature of the relationship did not result in bail being unconditionally granted, but entailed the payment of a huge amount of money by the applicant to avoid detention.

The intersection of the POCSO Act and §312 of the IPC, cumulatively impedes access of adolescents to timely and safe abortions, even as a result of consensual relationships.<sup>244</sup> The mandatory reporting provision in the POCSO Act, along with the stigma around adolescent sexuality and interaction with the criminal legal framework through §312 creates significant obstacles to adolescents from having safe abortions.<sup>245</sup>

#### *D. CASES WHERE CRIMINAL CHARGES OF COMMON INTENTION AND CONSPIRACY WERE APPLIED*

There were several cases where other criminal charges in the IPC were invoked, indicating broader circumstances where §312 of the IPC was invoked frivolously. §120B of the IPC iterates the punishment for criminal conspiracy,<sup>246</sup> an offence defined in §120A.<sup>247</sup> The punishment for criminal conspiracy<sup>248</sup> is the same as that of §312<sup>249</sup> (imprisonment of either type for up to three years, or if the woman is 'quick with child' for up to seven years and a fine). This provision was invoked in forty-two cases that were filed from 2013–2020 and fifty-two cases from 2021 onwards, indicating a sharp increase in the past three years. Of these

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<sup>239</sup> *Id.*

<sup>240</sup> *Id.*

<sup>241</sup> *Id.*

<sup>242</sup> *Id.*

<sup>243</sup> *Id.*, ¶6.

<sup>244</sup> Jain & Rastogi, *supra* note 233, 52.

<sup>245</sup> *Id.*

<sup>246</sup> Whoever is a party to a criminal conspiracy to commit an offence punishable with death, imprisonment for life or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Code for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence, *see* The Indian Penal Code, 1860, §120B.

<sup>247</sup> When two or more persons agree to do, or cause to be done, (1) an illegal act, or (2) an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy: Provided that no agreement except an agreement to commit an offence shall amount to a criminal conspiracy unless some act besides the agreement is done by one or more parties to such agreement in pursuance thereof. Explanation: It is immaterial whether the illegal act is the ultimate object of such agreement, or is merely incidental to that object, *see* The Indian Penal Code, 1860, §120A.

<sup>248</sup> Whoever is a party to a criminal conspiracy other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both, *see* The Indian Penal Code, 1860, §120B.

<sup>249</sup> Whoever voluntarily causes a woman with child to miscarry, shall, if such miscarriage be not caused in good faith for the purpose of saving the life of the woman, be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and, if the woman be quick with child, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine, *see* The Indian Penal Code, 1860, §312.

cases, there were sixteen matters where §120B was invoked with §312 of the IPC to prosecute pregnant persons, their family members and the doctor terminating the pregnancy.

This was typically done in matters where pregnant women sought termination of their pregnancy without the consent of their husbands. In *Sharin Kapoor I*<sup>250</sup> and *Sharin Kapoor II*,<sup>251</sup> §120B of the IPC was applied by the pregnant woman's husband against her, her family, and the medical practitioner in a counter-blast case. As mentioned previously, the complainant in this matter was the pregnant woman's husband who filed a case against the pregnant woman and all related parties on the grounds that they conspired to terminate the pregnancy without informing him.<sup>252</sup> However, during the investigation, it was found that the case was filed to deter the pregnant woman from pursuing a case of domestic violence and dowry harassment, which she had previously filed.<sup>253</sup> Similarly, in *Balwinder Singh v. Inderjeet Kaur*,<sup>254</sup> the pregnant woman and her family were prosecuted for criminal conspiracy under §120B read with §312 of the IPC. In this case, all the accused family members received bail and the sole point that was covered by the Fazilka District Court was relating to the non-appearance of one accused, Jaskaur Singh, who was absconding and the District Court declared that he be formally summoned through proclamation under §82 of the CrPC.<sup>255</sup> The implication of §120B of the IPC in these cases strengthens the belief that the pregnant woman's decision to terminate her pregnancy is a premeditated act with a *mala fide* intention, rather than a practice of bodily autonomy. The invocation of §34 of the IPC in abortion-related cases also makes the legal framework even more stringent by enabling joint liability, often without clear evidence of individual intent or direct involvement. This broadens the scope for prosecution, allowing law enforcement to charge multiple individuals — such as family members, medical practitioners, or partners — merely for being associated with the decision. As a result, §34 is frequently misused to escalate charges, reinforcing a punitive approach that deters access to safe abortion services and exacerbates legal harassment.

The invocation of other IPC provisions, apart from §312, creates a criminal framework that makes it harder for the persons accused under these provisions to seek bail, as the number and gravity of offences increase in the particular case, making the potential punishment also increase. The provisions are wide in scope and can be applied to pregnant persons as well as their family members. Additionally, the invocation of other criminal charges is undertaken to either harass pregnant persons who have not obtained spousal consent for their abortions — or to harass pregnant persons who are experiencing domestic violence and/or dowry harassment and who dare to complain about the same. The same is discussed in further detail in the following section.

#### *E. CASES WHERE ANTICIPATORY BAIL WAS APPLIED*

In twenty-three cases from 2013 to 2020, applications were filed for anticipatory bail. Twelve of these were granted, eleven were denied and in one case, the application was withdrawn. From 2021 onwards, a total of twelve anticipatory bail applications were filed, which included four applications where bail was granted and eight cases where it was denied.

The high numbers of anticipatory bail applications highlight the fear of prosecution and the delays people face in receiving justice in these matters. This trend

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<sup>250</sup> Sharin Kapoor I, *supra* note 81, ¶¶2–3.

<sup>251</sup> Sharin Kapoor II, *supra* note 82, ¶2.

<sup>252</sup> *Id.*

<sup>253</sup> *Id.*

<sup>254</sup> Balwinder Singh v. Inderjeet Kaur, CNR No. PBFZB10017802019 of 2019 (Fazilka District Court) (Pending).

<sup>255</sup> *Id.*

highlights how ancillary parties are concerned about prosecution as well. The granting of anticipatory bail in several cases reveals inconsistencies in judicial reasoning. For instance, in *Bahadur Singh*,<sup>256</sup> and its connected matters,<sup>257</sup> the pregnant woman and her family members were prosecuted under §312 of the IPC for a consensual pregnancy undertaken completely legally. The complainant-husband, in this case filed the complaint that the accused-wife terminated a foetus at six weeks and six days of gestation. The Jalandhar District Court, whilst denying anticipatory bail for both accused, remarked that the two applicants had committed “a heinous offence”, in “conniving” to facilitate an abortion — which indicates significant judicial discretion and subjective reasoning to deny such applications.<sup>258</sup>

The high numbers of anticipatory bail applications highlight the fear of prosecution and the delays people face in receiving justice in abortion matters. For instance, in *State v. Fateh Singh*,<sup>259</sup> the former partner of the pregnant woman applied for anticipatory bail that was first denied and then subsequently accepted after a Punjab and Haryana High Court appeal — a process spanning six months. This case highlights how ancillary parties are concerned about prosecution as well. This moralistic language employed by the court was also seen in *Sukhpal Kaur*,<sup>260</sup> which was filed during COVID-19, discussed in detail in the following section.

#### F. CASES WHERE REGULAR BAIL WAS APPLIED

There are a total of six regular bail applications that were filed by the pregnant person and their families between 2013 and 2024. Between 2013 and 2020, two cases were filed — one applicant was granted bail, and the other was denied. Between 2021 and 2024, five cases were filed — three applicants were granted bail, and one was dismissed.

The significant increase in the number of bail applications filed in the recent years between 2021 and 2022 highlights the recent trend of growing prosecution, possibly through rigorous enforcement of the law or through increasing criminal complaints made under this provision. In the case of *Gurinder Kaur*<sup>261</sup> and the connected matter of *Jaswinder Singh*,<sup>262</sup> the pregnant woman and her father were both imprisoned for two months. The pregnant woman had an alleged termination in her eighth month, and she was taken to the hospital for post-abortion care. The complaint against them was filed by the doctor who was referred to her in the hospital. Stringent abortion regulations prioritise the interests of the foetus over the needs of the pregnant person by treating them as ‘mothers’ and enforcing gender stereotypes.<sup>263</sup>

The above review of abortion cases before Punjab trial courts highlights that many prosecutions under §312 of the IPC are emblematic of a restrictive legal framework that significantly limits access to safe and timely abortion services. This legal framework often places pregnant individuals in vulnerable positions, with many facing legal repercussions for seeking necessary healthcare.<sup>264</sup> Taking an anti-carceral strategy to ensure safe and legal

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<sup>256</sup> *Bahadur Singh*, *supra* note 91, ¶2.

<sup>257</sup> *Id.*; *Pooja*, *supra* note 96, ¶4.

<sup>258</sup> *Id.*

<sup>259</sup> *State v. Fateh Singh*, CNR No. PBLD010147122023 of 2023, ¶10 (Ludhiana District Court) (Unreported).

<sup>260</sup> *Sukhpal Kaur*, *supra* note 223.

<sup>261</sup> *Gurinder Kaur*, *supra* note 106, ¶6.

<sup>262</sup> *Jaswinder Singh*, *supra* note 116, ¶8.

<sup>263</sup> Dipika Jain & Krithika Balu, *The Maze of Interpretation: Abortion Laws and Legal Indeterminacy in Indian Courts*, Vol.8(2), I.L.R., 121 (2024).

<sup>264</sup> Dipika Jain, *Time to Rethink Criminalization of Abortion? Towards a Gender Justice Approach*, Vol. 12(1), NUJS L. REV., 26 (2019).

abortion recognises that criminalising abortion can exacerbate structural disparities and prevent pregnant persons from accessing necessary sexual and reproductive health care.<sup>265</sup>

## V. IMPACT OF PROSECUTION AND RATIONALE FOR DECRIMINALISATION

The review of abortion cases before Punjab trial courts exposes a fundamental contradiction in India's legal framework — if the MTP Act and its recent amendments permit abortion under specific conditions, even with no upper gestational limit in some cases, then what exactly is being criminalised under §312 of the IPC? What is the role of criminal law in these cases — does it serve justice, or does it merely create legal and procedural hurdles that punish pregnant persons instead of protecting them? The inconsistent application of these laws not only creates confusion but actively reinforces gender injustice, turning the legal system into a tool of harassment rather than empowerment. This contradiction is not just a legal flaw — it is a travesty of justice that demands urgent reform. This unjust legal practice underscores the urgent need for legal reform to ensure that abortion laws are applied correctly, upholding the rights and autonomy of pregnant individuals while preventing the misuse of legal provisions that lead to unnecessary criminalisation. This section will critically examine why the criminal law framework for abortion is ineffective and how it fails to serve the interests of justice. It will argue that an anti-carceral, rights-based approach is the only path forward for those truly committed to gender justice and the transformative role of law, rather than its use as a tool of control and punishment.

### A. ABORTION AS A HEALTHCARE MEASURE

It is important to note that abortion is an essential element of healthcare, and its criminalisation severely impedes pregnant persons' access to sexual and reproductive healthcare. Criminalising abortion forces individuals to undergo unwanted pregnancies or resort to unsafe procedures, endangering their health and well-being.<sup>266</sup> Statistically, there is a link between the criminalising of abortions and maternal mortality as well. This is illustrated through a 2015 study, which showed that 14.5 percent of global maternal deaths were due to unsafe abortions, concentrated in countries that criminalised abortions.<sup>267</sup> The WHO has explicitly stated that restrictions on abortion increase deaths and maternal mortality associated with unsafe procedures.<sup>268</sup>

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<sup>265</sup> Dipika Jain, *MTP Bill's Proposal for a Bureaucracy to Vet Abortions is Ill-Judged and Impractical*, THE INDIAN EXPRESS, February 11, 2021, available at <https://indianexpress.com/article/opinion/columns/mtp-bills-proposal-for-a-bureaucracy-to-vet-abortions-is-ill-judged-and-impractical-7183300/> (Last visited on February 15, 2025).

<sup>266</sup> Dipika Jain, *Time to Rethink Criminalization of Abortion? Towards a Gender Justice Approach*, Vol. 12(1), NUJS L. REV., 27 (2019).

<sup>267</sup> WORLD HEALTH ORGANISATION, *Worldwide, An Estimated 25 Million Unsafe Abortions Occur Each Year*, September 28, 2017, available at <https://www.who.int/en/news-room/detail/28-09-2017-worldwide-an-estimated-25-million-unsafe-abortions-occur-each-year> (Last visited on January 15, 2025); Anibal Faúndes & Iqbal H. Shah, *Evidence Supporting Broader Access to Safe Legal Abortion*, Vol. 131(1), INT. J. GYNECOL. OBSTET., 56 (2015).

<sup>268</sup> WORLD HEALTH ORGANISATION, *Safe Abortion: Technical and Policy Guidance for Health Systems*, May 29, 2015, available at [https://iris.who.int/bitstream/handle/10665/173586/WHO\\_RHR\\_15.04\\_eng.pdf;jsessionid=3F2E1853CE78111BC3D700A4591697B6?sequence=1](https://iris.who.int/bitstream/handle/10665/173586/WHO_RHR_15.04_eng.pdf;jsessionid=3F2E1853CE78111BC3D700A4591697B6?sequence=1) (Last Visited on February 15, 2025) ('WHO 2015').

Further, as per a 2022 United Nations Population Fund report, close to eight women die daily due to causes related to unsafe abortions in India.<sup>269</sup> Restrictions on abortion increase deaths and maternal mortality associated with unsafe procedures,<sup>270</sup> with a 2023 study finding that two-thirds of all terminations conducted in India are performed in unsafe conditions, in turn, accounting for ten percent of maternal mortality in India.<sup>271</sup> In this background, decriminalisation is imperative, so that pregnant persons can freely access safe abortions under any circumstances and do not have to resort to unsafe, back-alley abortions that may lead to grave health outcomes or even death. The criminalisation of abortion undermines the rights to life, dignity, health, privacy, and equality within a reproductive justice framework, violating both international and domestic legal standards as well as fundamental human rights.<sup>272</sup> Restricting access to safe reproductive healthcare has severe physical and mental health consequences, infringing on a pregnant person's right to health. Decriminalising abortion is essential to safeguarding a pregnant person's health, dignity, and access to necessary medical services.

### B. CRIMINALISATION AND GENDER DISCRIMINATION

Additionally, the criminalisation of abortion services is extremely gendered and disproportionately affects women and transgender and gender-diverse persons.<sup>273</sup> It places a disproportionate burden on them, who are expected to navigate the complexities of pregnancy and child-rearing while facing systemic obstacles to their autonomy and decision-making. As one of the authors argues elsewhere,<sup>274</sup> the criminalisation of women and pregnant persons seeking abortion services stands in direct violation of the fundamental principles of gender equality and non-discrimination enshrined in Articles 14 and 15 of the Constitution. Joanna Erdman argues that criminalising abortion constitutes structural discrimination against women. This legal framework forces women to continue non-viable pregnancies or seek abortions abroad, exposing them to significant physical and emotional distress. While such laws are often framed as gender-neutral, they fail to account for the disproportionate burden placed on women, ultimately reinforcing gender inequality.<sup>275</sup> Despite the same, matters of reproductive health and autonomy are not treated as facets of bodily integrity, personal liberty, equality or privacy. In the above cases, the courts' strongly moralistic language through the usage of terms such as 'heinous offence' or 'illegal act' is indicative of the same.

When individuals are prosecuted for seeking abortion services — especially when the abortion is legally permissible — it reflects a systemic failure to respect their decisional autonomy and rights and demonstrates a disregard for their capacity to make decisions about their own bodies. Such practices perpetuate gender discrimination, treating women and pregnant persons as subjects of legal scrutiny, rather than as individuals with the

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<sup>269</sup> UNITED NATIONS POPULATION FUND, *Seeing the Unseen: The Case for Action in the Neglected Crisis of Unintended Pregnancy*, 2022, available at [https://www.unfpa.org/sites/default/files/pub-pdf/EN\\_SWP22%20report\\_0.pdf](https://www.unfpa.org/sites/default/files/pub-pdf/EN_SWP22%20report_0.pdf) (Last visited on February 15, 2025) ('UNFPA').

<sup>270</sup> WHO 2015, *supra* note 268.

<sup>271</sup> UNFPA, *supra* note 269.

<sup>272</sup> Dipika Jain, *Access to Safe and Legal Abortion Services in Asia*, ARROW, 128, December 21, 2023, available at <https://arrow.org.my/wp-content/uploads/2023/12/Access-to-Safe-and-Legal-Abortion-Services-in-Asia-Challenges-and-Opportunities-Report.pdf> (Last visited on February 26, 2025).

<sup>273</sup> Joanna N. Erdman, *The Gender Injustice of Abortion Laws*, Vol. 27(1), SEX. REPROD. HEALTH MATTERS, 5 (2019).

<sup>274</sup> Jain & Shah, *supra* note 37.

<sup>275</sup> Erdman, *supra* note 273, 5.

right to exercise control over their reproductive decisional autonomy. This also limits access to essential healthcare services, further entrenching gender inequality within the legal system.

### C. IMPACT OF CRIMINALISATION ON PREGNANT PERSONS

Abortion stigma furthers the societal perception that consensual abortions are shameful acts, that reflect poorly on pregnant persons as well as their families — this in turn perpetuates the norm that abortions should either be kept secret, or the pregnant person should be sent away if they have to get an abortion.<sup>276</sup> When persons seek abortion, the fear of being stigmatised may be accompanied by feelings of shame, guilt, and isolation which play a detrimental role on the person's psychological well-being.<sup>277</sup>

Further, filing a case under §312 of the IPC strengthens the narrative that the woman is not a 'good wife' since she terminated her pregnancy without spousal or familial consent. Ujjayini Ray expands on the same in her thesis as well, wherein she states that a woman is primarily defined by her reproductive abilities. She is thus qualified normatively as a mother.<sup>278</sup> Hence, any woman who defies her reproductive abilities is defined as 'deviant' and is therefore ostracised.<sup>279</sup>

As a result, pregnant persons find it even more difficult to seek abortions, deepening the barriers to reproductive healthcare and reinforcing negative societal attitudes. Barriers to the realisation of reproductive rights through the restriction and consequent criminalisation of, abortion actually facilitate societal hierarchies that oppress and marginalise persons.<sup>280</sup> Therefore, the carceral framework exacerbates that which it actively seeks to avoid. Such stigma also limits the number of service providers willing to carry out abortion services, thus impeding a pregnant person's right to a safe abortion.<sup>281</sup>

Further, in Punjab, prosecutions of pregnant persons and their family members under the criminal legal framework are highly ubiquitous in nature. Trends from 2013 onwards show a persistent increase in such prosecutions, with numbers shooting up during and after the COVID-19 pandemic began. The law is also often weaponised as a tool of intimidation, with the denial of bail, prolonged detention, and the potential for police intimidation being frequent outcomes. The prosecution and harassment of pregnant persons voluntarily seeking abortions is not a rare occurrence and the sheer number of such cases — thirty-eight consensual abortions prosecuted — raises serious concerns about the impact of criminalisation.

The criminalisation of abortion also disproportionately affects marginalised persons. Not all abortion seekers are positioned equally in society<sup>282</sup> with structural issues playing a major role in pregnant persons' ability to bring up children.<sup>283</sup> In such situations, abortions can actually allow marginalised pregnant persons to negotiate the 'harsh realities of

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<sup>276</sup> *Id.*, 605.

<sup>277</sup> Ann Starrs et al., *Accelerate Progress—Sexual and Reproductive Health and Rights for All: Report of the Guttmacher–Lancet Commission*, Vol. 391, *THE LANCET*, 2662 (2018), available at <https://www.thelancet.com/commissions/sexual-and-reproductive-health-and-rights> (Last visited on February 15, 2025).

<sup>278</sup> Ujjayini Ray, *IDEALISING MOTHERHOOD: THE BRAHMANICAL DISCOURSE ON WOMEN IN ANCIENT INDIA (CIRCA 500 BCE–300 CE)*, 66 (PhD, School of Oriental and African Studies, University of London, 1999).

<sup>279</sup> *Id.*

<sup>280</sup> Jain & Shah, *supra* note 37, 6.

<sup>281</sup> *Id.*, 12.

<sup>282</sup> Kalpana Kannabiran, *TOOLS OF JUSTICE: NON-DISCRIMINATION AND THE INDIAN CONSTITUTION*, 337 (Routledge, 1st edn., 2012).

<sup>283</sup> Jain & Shah, *supra* note 37, 34.



work’ and enable them to ‘increase control over their sexuality in the workplace and at home’.<sup>284</sup> This vulnerability is disregarded by a punitive system that hinges on carcerality and imprisonment, which also does not recognise that societal inequalities, power disparities, systemic violence and oppression of specific groups play a big role in the focused prosecution of members of such groups for unsafe abortions.<sup>285</sup>

Persons from marginalised backgrounds also face disproportionate surveillance and are more likely to be prosecuted than those from privileged backgrounds.<sup>286</sup> The prosecution of economically marginalised persons was witnessed in the case of *State v. Rohit Kumar Bhola*,<sup>287</sup> where six accused persons were sentenced to three years of rigorous imprisonment and fines of INR 2,000/- (Indian Rupees Two Thousand), despite their pleading to the Amritsar District Court that “they are poor persons and are bread-winner of the family” and praying for leniency.<sup>288</sup> The District Court did not show any lenience. Prescribing punishment as seen above, it suggested that “considering that due to the act of the accused person’s miscarriage was caused to victim Annie. Releasing them on probation or with less punishment will give a wrong message to the society”.<sup>289</sup> Loretta Ross argued the same by stating, “our ability to control what happens to our bodies is constantly challenged by poverty, racism, environmental degradation, sexism, homophobia, and injustice”.<sup>290</sup>

#### D. IMPACT OF CRIMINALISATION ON RMPS

In addition to the impacts on pregnant persons, criminalisation of abortion also significantly impacts RMPs. It actively creates avenues for arresting and harassing medical professionals,<sup>291</sup> as is evident from the analysis above. This creates a ‘chilling effect’ on medical practitioners willing to provide abortion services, who hesitate to provide the same due to fear of prosecution.<sup>292</sup> As stated above, elimination or restriction of abortion services does not eliminate its demand<sup>293</sup> but pushes abortion seekers underground, where they access potentially unsafe services.

The ‘chilling effect’ on abortion providers exists in the background of major shortages in healthcare providers across India, with Punjab showing a shortage of 71.9 percent of gynaecologists between 2015 and 2019.<sup>294</sup> Such shortages have major implications,

<sup>284</sup> S. Anandhi, *Women, Work and Abortion: A Case Study from Tamil Nadu*, Vol. 42(12), EPW, 1059 (2007).

<sup>285</sup> Dipika Jain, *MTP Bill’s Proposal for a Bureaucracy to Vet Abortions is Ill-Judged and Impractical*, THE INDIAN EXPRESS, February 11, 2021, available at <https://indianexpress.com/article/opinion/columns/mtp-bills-proposal-for-a-bureaucracy-to-vet-abortions-is-ill-judged-and-impractical-7183300/> (Last visited on February 15, 2025).

<sup>286</sup> Nikita Sonavane, *Rape as an Atrocity: Analysis of Judgments Delivered by the District Court of Bilaspur, Chhattisgarh*, Vol. 9, G.L.C. LAW REV., 72 (2017).

<sup>287</sup> *State v. Rohit Kumar Bhola*, CNR No. PBAS030001422016 of 2016, ¶4 (Amritsar District Court) (Unreported).

<sup>288</sup> *Id.*, ¶2.

<sup>289</sup> *Id.*, ¶4.

<sup>290</sup> Jael Silliman et al., *UNDIVIDED RIGHTS: WOMEN OF COLOR ORGANIZE FOR REPRODUCTIVE JUSTICE*, 4 (Cambridge, South End Press, 2004).

<sup>291</sup> Dipika Jain, *Time to Rethink Criminalization of Abortion? Towards a Gender Justice Approach*, Vol. 12(1), NUJS L. REV., 28 (2019).

<sup>292</sup> *Id.*

<sup>293</sup> *Id.*

<sup>294</sup> Dipika Jain et al., *Medical Boards for Access to Abortion Untenable: Evidence From the Ground*, CENTRE FOR JUSTICE LAW AND SOCIETY, 14, available at [https://static1.squarespace.com/static/61c2f36a329cfe4aa53a49d7/t/62a62302ff719e1864442af3/1655055138071/CJLS\\_Medical\\_Boards\\_Report\\_Final.pdf](https://static1.squarespace.com/static/61c2f36a329cfe4aa53a49d7/t/62a62302ff719e1864442af3/1655055138071/CJLS_Medical_Boards_Report_Final.pdf) (Last visited on February 15, 2025).

especially for persons who tend to rely on public health facilities to procure essential reproductive care, including abortions.<sup>295</sup>

Decriminalisation of abortion is, therefore, essential because it removes penal laws, ensuring that healthcare professionals can provide safe abortion services without fear of legal consequences.<sup>296</sup> Healthcare professionals are key stakeholders in transforming the landscape for safe abortion, and their provision of services is critical to creating systemic changes.<sup>297</sup>

#### *E. §312 IS A TOOL FOR HARASSMENT*

§312 of the IPC exists alongside the MTP Act, which provides for graded access to abortions at different gestation periods, as per the latest amendment to the law. The amendments to the MTP Act can serve to demonstrate the will of the government to set in place an enabling legislation that allows access to abortion services, under more relaxed circumstances. However, in practice, law enforcement agencies have often ignored or misinterpreted the MTP Act's provisions, creating a harmful environment where pregnant women and RMPs face criminal charges for seeking abortion services that are legally permitted — and reflecting a significant gap between the law's intent and its enforcement.<sup>298</sup> It is not to suggest that the MTP Act is a perfect piece of legislation — far from it. It is not a rights-based law but one shaped by patriarchal and eugenic rationales. It operates on a framework of disability exceptionalism and fails to centre the decisional autonomy of the pregnant person. However, the authors' argument in this article is that the broader criminal law framework governing abortion services creates an exception that permits abortion services under specific circumstances. Despite this permissive legal structure, law enforcement and the judiciary continue to misuse it to harass and penalise individuals exercising their reproductive decisional autonomy — rights that are well within their constitutional protections.

Additionally, prosecution under §312 of the IPC has been used as a vehicle to reinforce prevailing familial hierarchies and uphold family honour, especially in terms of its weaponisation as a counter-blast in legal battles to deflect attention from issues like domestic violence and dowry harassment. A cursory review of trial court cases in Punjab containing §312 from 2013–2020 reflects that at least fourteen cases of dowry-related domestic violence occurred, whose circumstances likely influenced the filing of §312 cases. §312 was also invoked across twenty cases where the primary matters were dowry complaints filed by the pregnant person against her husband and/or her in-laws, reinforcing this connection.

This dynamic complicates the pursuit of justice, as families may prioritise their reputation over the rights and well-being of those directly affected. Filing counter-blast cases under §312 of the IPC against women who file cases under §498A, thus, allows the husband and their families to invoke narratives that the pregnant person is deviant since she seeks justice for 'internal familial matters' from the State and she has forgone her duty as a mother and a caregiver. The filing of counter-blast cases under §312 against women can thus, be seen as an

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<sup>295</sup> Souvik Pyne & TKS Ravindran, *Availability, Utilization, and Health Providers' Attitudes Towards Safe Abortion Services in Public Health Facilities of a District in West Bengal, India*, Vol. 61(1), WOMENS HEALTH REP. (NEW ROCHELLE), 81 (2020).

<sup>296</sup> Dipika Jain, *Time to Rethink Criminalization of Abortion? Towards a Gender Justice Approach*, Vol. 12(1), NUJS L. REV., 29 (2019).

<sup>297</sup> *Id.*, 28.

<sup>298</sup> Dipika Jain, *MTP Law's Patriarchal Bias*, THE INDIAN EXPRESS, April 1, 2021, available at <https://indianexpress.com/article/opinion/columns/medical-termination-of-pregnancy-bill-india-women-reproductive-sexual-rights-7253371/> (Last visited on January 17, 2025).

attempt by men to further harass women to appeal to any inherent biases the judiciary or police may have.

#### *F. THE IMPORTANCE OF DECRIMINALISATION THROUGH A REPRODUCTIVE JUSTICE LENS*

Decriminalisation of abortion is imperative to ensure safe, legal, and accessible abortion services. Decriminalisation of abortion removes penal laws, ensuring that healthcare professionals can provide safe abortion services without fear of legal consequences.<sup>299</sup> This counters the ‘chilling effect’ on healthcare providers and allows pregnant individuals to access safe abortion services transparently.<sup>300</sup> Laws decriminalising abortion result in a profound shift in the dynamic between the State and pregnant individuals, empowering them to make decisions about their reproductive health.<sup>301</sup>

Decriminalisation will ensure that pregnant persons’ sexual and reproductive health is guided by a rights-based framework, where pregnant persons are treated as full citizens with decisional autonomy, taking away third-party authorisation requirements for abortion services.<sup>302</sup> It challenges the notion that the only way to safeguard women’s rights is through a criminal law framework. Criminal law fails to deliver justice and disproportionately impacts marginalised groups, as seen above. Thus, a non-penal approach signifies a paradigm shift beyond merely demanding gender equality or linking abortion rights to a broader reproductive health agenda.<sup>303</sup> It acknowledges that the impacts of race, class, gender, and sexual identity oppressions are not merely additive but integrative in nature, forming a complex web of intersectionality.<sup>304</sup>

Embracing an anti-carceral framework to ensure safe and legal abortions recognises that criminalising abortions exacerbates structural inequalities, obstructing pregnant individuals’ access to vital sexual and reproductive health services.<sup>305</sup> By reframing the approach, the authors aim to tackle the systemic violence and oppression intensified by such criminalisation. A call for the adoption of an anti-carceral, reproductive justice approach demands that the State move away from strict penal regulation, redirecting efforts toward enhancing capacities beyond the legal system. This shift would also address prevalent structural issues, such as inadequate public healthcare infrastructure and national shortages in healthcare professionals, which hinder access to essential services.<sup>306</sup>

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<sup>299</sup> Dipika Jain, *Time to Rethink Criminalization of Abortion? Towards a Gender Justice Approach*, Vol. 12(1), NUJS L. REV., 30 (2019).

<sup>300</sup> Erdman, *supra* note 273, 5.

<sup>301</sup> Sheldon, *supra* note 28, 25.

<sup>302</sup> Dipika Jain, *Access to Safe and Legal Abortion Services in Asia*, ARROW, 128, December 21, 2023, available at <https://arrow.org.my/wp-content/uploads/2023/12/Access-to-Safe-and-Legal-Abortion-Services-in-Asia-Challenges-and-Opportunities-Report.pdf> (Last visited on February 26, 2025).

<sup>303</sup> Dipika Jain, *MTP Bill’s Proposal for a Bureaucracy to Vet Abortions is Ill-Judged and Impractical*, THE INDIAN EXPRESS, February 11, 2021, available at <https://indianexpress.com/article/opinion/columns/mtp-bills-proposal-for-a-bureaucracy-to-vet-abortions-is-ill-judged-and-impractical-7183300/> (Last visited on February 15, 2025).

<sup>304</sup> Loretta J. Ross, *Reproductive Justice as Intersectional Feminist Activism*, Vol. 19(3), SOULS, 286 (2017).

<sup>305</sup> Dipika Jain, *MTP Bill’s Proposal for a Bureaucracy to Vet Abortions is Ill-Judged and Impractical*, THE INDIAN EXPRESS, February 11, 2021, available at <https://indianexpress.com/article/opinion/columns/mtp-bills-proposal-for-a-bureaucracy-to-vet-abortions-is-ill-judged-and-impractical-7183300/> (Last visited on February 15, 2025).

<sup>306</sup> Pyne & Ravindran, *supra* note 295, 85.

Decriminalisation can be viewed through the lens of reproductive justice, whose framework encompasses “the human right to maintain personal bodily autonomy, have children, not have children, and parent the children we have in safe and sustainable communities”.<sup>307</sup> The concept of reproductive justice originated from the Black feminist thought and theory, where the impact of different structural inequities on accessing and upholding reproductive healthcare and rights were examined.<sup>308</sup> This reproductive justice framework has been used in several global Southern countries, in regions across Asia as well as Latin America.<sup>309</sup>

Although the authors focus on the grave effects of prosecution under §312 of the IPC in this article, the entire IPC chapter from §312 to §318 titled “Causing of Miscarriage, of Injuries to Unborn Children, of The Exposure of Infants, And of Concealment of Births”<sup>310</sup> broadly facilitates and reinforces a “permissive environment for harassment and intimidation of pregnant persons and healthcare providers” and therefore, need to be completely removed from the criminal legal framework. Decriminalisation therefore, requires a systemic approach that addresses the inter-connectedness of these criminal provisions, to prevent unjust prosecutions and to create a more supportive legal environment for individuals seeking abortion services. However, a caveat is needed that there is a dearth of research on §313 IPC to suggest whether justice is obtained for pregnant persons in cases of forced termination.<sup>311</sup>

Finally, and most importantly, as Sally Sheldon<sup>312</sup> reminds us that the criminalisation of abortion is no longer justifiable under the harm principle, given advancements in medical science, including infertility treatments and breast cancer research. She argues that restrictive abortion laws push women toward unsafe and illegal procedures, disproportionately harming marginalised women and those in abusive relationships, who lack access to healthcare services.<sup>313</sup> Additionally, she challenges the claim that women undergo gender-based sex selection due to structural limitations, asserting that the root cause lies in structural barriers rather than the availability of abortion. Sheldon emphasises that criminalisation exacerbates harm by reinforcing stigma and creating further obstacles to access.<sup>314</sup>

The tragic loss of women’s lives due to unsafe abortions underscores the unintended harms of a carceral legal framework. Legal and structural constraints often leave pregnant persons and their families with no safe alternatives, pushing them toward high-risk procedures. These harms are further compounded by laws that not only criminalise abortion seekers but also prosecute those who support them — whether family members, informal providers, or unqualified practitioners.<sup>315</sup> The notion that women’s rights can only be

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<sup>307</sup> Loretta J. Ross, *Understanding Reproductive Justice: Transforming the Pro-Choice Movement*, Vol. 36 (4), OFF OUR BACKS, 15 (2017).

<sup>308</sup> Ross, *supra* note 304, 295.

<sup>309</sup> Cook et al., *supra* note 11, 361.

<sup>310</sup> The Indian Penal Code, 1860, §§312–318.

<sup>311</sup> Dipika Jain, *MTP Bill’s Proposal for a Bureaucracy to Vet Abortions is Ill-Judged and Impractical*, THE INDIAN EXPRESS, February 11, 2021, available at <https://indianexpress.com/article/opinion/columns/mtp-bills-proposal-for-a-bureaucracy-to-vet-abortions-is-ill-judged-and-impractical-7183300/> (Last visited on February 15, 2025).

<sup>312</sup> Sheldon, *supra* note 28, 15.

<sup>313</sup> *Id.*, 16.

<sup>314</sup> *Id.*, 17, 18.

<sup>315</sup> Dipika Jain, *MTP Bill’s Proposal for a Bureaucracy to Vet Abortions is Ill-Judged and Impractical*, THE INDIAN EXPRESS, February 11, 2021, available at <https://indianexpress.com/article/opinion/columns/mtp-bills-proposal-for-a-bureaucracy-to-vet-abortions-is-ill-judged-and-impractical-7183300/> (Last visited on February 15, 2025).

safeguarded through a criminal law framework is deeply flawed. Not only does criminal law fail to ensure justice, but it also disproportionately targets marginalised communities, reinforcing systemic inequities.<sup>316</sup> This raises fundamental concerns about its efficacy as a tool for rights protection. An anti-carceral approach offers a necessary paradigm shift — one that moves beyond the narrow confines of criminal law framework to self-determination and gender justice, and broader reproductive health agenda. It acknowledges that systems of oppression based on race, class, gender, and sexuality are not merely additive but deeply interconnected, shaping an intersectional reality that demands holistic, justice-oriented solutions.<sup>317</sup>

Therefore, decriminalisation holds the promise of liberating service providers and RMPs from the shackles of fear that currently inhibit their ability to offer abortion services. This transformative shift would reframe abortion from a stigmatised legal dilemma to an integral aspect of compassionate healthcare, embedded within a broader gender justice framework. It paves the way for access to safe and legal abortion services, free from the oppressive oversight of law enforcement agencies. This paradigm shift is not just a legal reform; it is a rallying cry for justice, a commitment to nurturing trust and honouring the fundamental right to decisional reproductive autonomy and reproductive justice.

## VI. CONCLUSION

A review of cases under §312 of the IPC in the Punjab district courts shows that there is active judicial misapplication and misinterpretation of criminal laws, where courts fail to incorporate or consider the MTP Act — effectively rendering it useless in upholding pregnant persons' right to safe abortion, within the exceptions provided. Courts have also misinterpreted abortion laws by prosecuting pregnant women on the basis that they did not obtain spousal consent before engaging in voluntary abortions. Spousal consent is not a legal prerequisite for abortions under any circumstances and serves to disregard pregnant persons' agency and reproductive and decisional autonomy.

§312 of the IPC is also used by courts to prosecute consensual abortions that fall within the gestational limits contained within the MTP Act. This provision is also incorrectly applied in cases of forced abortions that require invocation of §313 of the IPC, which criminalises abortions done without the pregnant woman's consent. Such misapplication of §312 can lead to a situation where pregnant persons are brought within the scope of prosecution, even if they do not consent to abortions.

§312 has also been used as a deliberate strategy to harass pregnant persons and their families, in situations where there are domestic or marital disputes. RMPs are frivolously prosecuted as well under §312, which prevents them from providing even legal abortion services. This is likely to drive abortion seekers towards providers of unsafe, back-alley abortions, which are linked to serious health outcomes, including maternal mortality.

Criminalisation has deleterious impacts on pregnant persons, including *firstly*, the statistically proven link between unsafe abortions and maternal deaths, both in India and globally. *Secondly*, criminalisation disregards women's constitutionally-protected rights to equality and non-discrimination, through their large-scale and disproportionate prosecution. The punitive legal framework also disproportionately targets marginalised persons, who already face significant structural barriers to accessing safe and timely abortions. In this background, decriminalisation of abortion is critically important in pregnant persons

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<sup>316</sup> Sonavane, *supra* note 286, 71.

<sup>317</sup> Silliman et al., *supra* note 290, 4.

substantively realising their sexual and reproductive health and rights and evening the playing field for all abortion seekers in being able to unconditionally access safe and legal abortion services.

District	Name of Case	CNR No	Date	Pending/Disposed Status	Pendency Details	Sections of the IPC including 312	Forced /Consensual	Ancillary Statutes	Facts	Legal/Illegal as per MTP	Nature of Parties involved and Vulnerabilities	Stage of Pregnancy	Holding and Reasoning	Status of Bail	Judge(s)
<b>Amritsar</b>															
Amritsar	Jarnail Singh v Harwinder Singh	PBASA10013482017	06.08.2018	Disposed	First heard 1.12.2017	312, 452, 316, 323, 324, 379, 411, 120B, 506, 148, 149	NA	NA	No facts given. The complainant did not submit evidence nor chose to examine himself as a witness	NA	NA	NA	Case dismissed under 203 CrPC. No one turned up on behalf of the complainant and no evidence had been submitted by the complainant. The Court found that the complainant no longer wished to proceed, hence dismissed the case.	NA	Geeta Rani
Amritsar	State of Punjab v Tarlochan Singh and Ors.	PBAS010161052018	28.11.2018	Disposed	First heard and heard within one month	312, 313	NA	NA	The matter was instituted via a regular bail application from the accused applicants. However, after filing the application, no police record was filed.	NA	NA	NA	As no complaint or FIR or inquiry was registered against the applicants, the applicants' bail application was dismissed as infructuous.	Bail dismissed as being infructuous.	Jagmohan Singh Sanghe
Amritsar	Lakhwinder Kaur v Gurmeet Singh and Ors.	PBASA10010082016	25.02.2019	Disposed	First heard on 21.10.2016	312, 313, 323, 324, 498-A, 406, 506	Forced	NA	The complainant had married accused No. 1 Gurmeet Singh. Accused 2 to 5 were her father-in-law, mother-in-law and sister and brother in-laws. After one week of being married, the accused persons began to harass the complainant for more dowry than what she gave. Accused No. 1 also beat her. When she was pregnant, the accused husband allegedly beat her and "struck a leg against her abdomen with intention to kill the child in the womb", causing her to deliver a dead child. No police action was taken despite a complaint. The accused were summoned and released on bail.	Illegal	Complainant is economically marginalised. The Accused are Husband and in laws (mother, father, sister and brother in laws)	NA	The Court found that because Section 313 had been invoked, it disposed the case by committing it to the Court of Sessions.	Bail granted	Ram Pal
46012802	State v Rohit Kumar Bhola and Ors.	PBAS030001422016	28.2.2020	Disposed	First heard on 17.02.2016 and decided on 28.2.2020	312, 323, 325, 148, 149	Forced	NA	The complainant, the husband of the pregnant person, had stated that he and his pregnant wife had been attacked by the accused persons and were physically assaulted by them. His wife suffered a miscarriage consequently. After filing the FIR, the report of the gynaecologist was taken due to which section 312 was added.	Illegal - physical harm resulting in miscarriage.	Persons known to the complainant. The complainants (pregnant person and her family are working class - the pregnant person is a nurse.)	NA	The Court observed that the oral and documentary evidence substantiated the allegations of assault against the complainant and his wife. Medical evidence also proved the charges under sections 323, 325 and 312. The Court noted however, that the charges were proved against all accused persons except one Mandeep Singh, one of the co-accused. As for the rest of the accused, the Court directed them to be taken into custody.	NA	Rajan Aneja
<b>Barnala</b>															
Barnala	Jaspal Kaur v State of Punjab	PBBR010016462015	13.07.2015	Disposed	First heard 2.7.2015	312	NA	NA	Anticipatory bail application. No facts given.	NA	NA	NA	Bail application dismissed as withdrawn.	Dismissed as withdrawn.	Sukhvinder Kaur
Barnala	State of Punjab v Kusum Kaur	PBBR030012332015	20.11.2015	Disposed	First heard 1.10.2015	312, 313, 315, 120B, 376	Forced	NA	According to the FIR, the police received information from a civil hospital that one Priyanka gave birth to a baby that was not alive. The police recorded Priyanka's statement which mentioned that she had been raped repeatedly by one person named Jagdeep at the instance of a woman named Kusum. She became pregnant as a result, when one day Kusum forcibly fed Priyanka an abortive medicine. She was taken to a hospital after which the child was born dead. Priyanka requested for action to be taken against Kusum.	Illegal	The Pregnant person is the complainant. She worked as a domestic help. The background of the accused persons is not mentioned. The accused persons and the complainant lived on the same street.	Full term	The court found there to be a prima facie commission of the offences by the accused. The accused was therefore directed to appear before the Sessions Judge on the fixed date. <b>The accused persons were in custody.</b>	<b>The accused persons were in custody.</b>	Manoj Kumar
Barnala	State of Punjab v Kusum Kaur	PBBR010030882015	8.12.2015	Disposed	First heard 30.11.2015	312, 313, 315, 120B, 376	Forced - however, no evidence to support this claim	NA	Same facts as above. The present application was submitted after the commencement of trial. During trial, the prosecutrix and her mother became hostile witnesses and changed their statements.	Illegal	Same as above	Full term	The court observed that the prosecution could not produce any evidence against the accused so as to sustain the charge. The Court accordingly acquitted the accused of the charges.	Bail granted	Harpal Singh
Barnala	State of Punjab v Unknown	PBBR030043142019	14.09.2019	Disposed	First heard 12.9.2019	312 and 318	NA	NA	The file was taken up by the National Lok Adalat. The complainant had submitted that he had no objection to the acceptance of the untraced report by the police.	NA	NA	NA	The Court therefore accepted the untraced report and disposed the case.	NA	Vineet Kumar Narang
Barnala	State of Punjab v Unknown	PBBR030038562019	14.09.2019	Disposed	First heard 21.08.2019	312 and 318	NA	NA	The file was taken up by the National Lok Adalat. The complainant had submitted that he had no objection to the acceptance of the untraced report by the police.	NA	NA	NA	The Court therefore accepted the untraced report and disposed the case.	NA	Vineet Kumar Narang
Barnala	State of Punjab v Yograj Singh @ Yoga	PBBR010000652020	07.01.2020	Disposed	Heard and disposed on the same day	312, 313, 120B, 457, 376	Forced	Section 6 of POCSO	Procedural order - Challan has been presented against the accused but trial cannot be initiated in the absence of the remaining accused.	Illegal - non consensual termination of pregnancy.	Accused: Neighbour of the pregnant person. Both parties are economically marginalised. The pregnant person is a 16 year old minor girl.	NA	The court found the challan against Yograj to be incomplete as there were three other accused persons who were yet to be arrested. The trial could not begin as a result. The court directed the challan to be presented again.	NA	Virinder Aggarwal
Barnala	Yograj Singh @ Joga v State of Punjab	PBBR010001552020	17.01.2020	Disposed	First heard 14.01.2020	312, 313, 120B, 457, 376	Forced	Section 6 of POCSO	Facts of the Yograj case - accused of raping, impregnating and forcefully terminating the pregnancy of a 16 year old.	Illegal	Accused: Neighbour of the pregnant person. Both parties are economically marginalised. The pregnant person is a 16 year old minor girl.	NA	The Court <b>dismissed the bail application</b> as the applicant had not shown up before court.	Bail dismissed as denied.	Virinder Aggarwal
Barnala	State of Punjab v Yograj Singh @ Yoga, Veerpal Kaur, Manjit Kaur and Ramesh Singh	PBBR030048592019	15.02.2020	Disposed	First heard 14.10.2019 and disposed in 2020	312, 313, 120B, 457, 376	Forced	Section 6 of POCSO	Facts of the Yograj case - accused of raping, impregnating and forcefully terminating the pregnancy of a 16 year old.	Illegal	Accused: Neighbour of the pregnant person. Both parties are economically marginalised. The pregnant person is a 16 year old minor girl.	NA	As the accused was already in custody and the present case was committed to the Sessions Court, the court directed that the commitment of the present case be notified to the prosecution.	Bail denied	Kulwinder Kaur
Barnala	Yograj Singh @ Joga v State of Punjab	PBBR010011712020	30.04.2020	Disposed	First heard 23.4.2020	312, 313, 120B, 457, 376	Forced	Section 6 of POCSO	This was a regular bail application. The applicant was a 19 year old neighbour of the minor prosecutrix. He made false promises to marry her and in the process, raped her. The applicant later refused to marry her. The applicant in connivance with Manjit Kaur, Veerpal Kaur and Ramesh Kumar caused her to miscarry.	Illegal - non consensual termination of pregnancy.	Accused: Neighbour of the pregnant person. Both parties are economically marginalised. The pregnant person is a 16 year old minor girl.	NA	The court <b>denied bail</b> in light of the gravity of offences and chance of tampering with witnesses and evidence.	Bail dismissed as denied.	Arun Gupta
Barnala	Veerpal Kaur @ Gukar and Majit Kaur @ Kali v State of Punjab	PBBR010012912020	3.6.2020	Disposed	First hears 28.5.2020	312, 313, 120B, 457, 376(2)	Forced	Section 6 of POCSO	This was a regular bail application. Manjit Kaur and Veerpal Kaur had been accused of causing a minor to miscarry after providing abortion kits after she was sexually assaulted.	Illegal	Accused: Neighbour of the pregnant person. Both parties are economically marginalised. The pregnant person is a 16 year old minor girl.	NA	The Court <b>denied bail</b> on light of the chance of influencing witnesses.	Bail denied	Virinder Aggarwal
Barnala	State of Punjab v Ramesh Singh	PBBR01-001964-2020	14.08.2020	Disposed	Disposed within the same month	312, 313, 457, 376(2), 120B	Forced	Section 6 of POCSO	This was a regular bail application. As per the complainant, one Yograj Singh, who made false promises to marry her, sexually assaulted her repeatedly when she was 16 years old, leading to a pregnancy. The accused applicant herein, along with Manjit Kaur and Veerpal Kaur terminated the pregnancy.	Illegal	Both parties are economically marginalised. The pregnant person is a 16 year old minor girl.	NA	The Court observed that the accused applicant's name has been specifically mentioned in the complaint. He also evaded arrest and was declared a proclaimed offender. Since there was a risk of intimidating the witnesses, the court denied bail.	Bail denied	Virinder Aggarwal

District	Name of Case	CNR No	Date	Pending/Disposed Status	Pendency Details	Sections of the IPC including 312	Forced /Consensual	Ancillary Statutes	Facts	Legal/Illegal as per MTP	Nature of Parties involved and Vulnerabilities	Stage of Pregnancy	Holding and Reasoning	Status of Bail	Judge(s)
Barnala	State of Punjab v Manjit Kaur @ Kali	PBBR030034052020	21.8.2020	Disposed	First heard and decided on same date.	312, 313, 457, 376(2), 120B	Forced	Section 6 of POCSO	The accused applicant had been granted bail by the Punjab and Haryana HC for which she had to furnish surety bonds.	Illegal	Accused: Person facilitating the termination. The pregnant person is a 16 year old minor girl.	NA	The court noted the order passed in another matter CRM - M-22790 of 2020, where bail had been granted by the P&H HC. In view of the same it directed for the accused applicant to be released on personal security of Rs. 1 lakh, with surety of the same amount.	Bail granted as per High Court order dated 22.08.2020. Personal bonds of INR 1 lakh to be furnished with a surety of the like amount.	Vijay Singh Dadwal
Barnala	State of Punjab v Ramesh Singh	PBBR030037422020	4.09.2020	Disposed	First heard and decided on same date.	312, 313, 457, 376(2), 120B	Forced	Section 6 of POCSO	The accused applicant had been granted bail by the Punjab and Haryana HC. However, due to a lockdown, he could not furnish surety bonds. The applicant submitted that he was liable to be granted bail on personal bonds without enforcing the conditions of the surety.	Illegal	Both parties are economically marginalised. The pregnant person is a 16 year old minor girl.	NA	The Court <b>granted bail</b> on the condition of Rs. 1,00,000 and a surety of like amount. The applicant was directed to be released on personal bonds after which he had to submit surety bonds within one month from the day the courts reopened.	Bail granted upon submission of security	Vijay Singh Dadwal
Barnala	Ashwani Kumar Vs State of Punjab	PBBR01-0002679-2020	17.11.2020	Disposed	First heard 14.10.2020	312, 313, 498A, 406	Not clear from the facts.	NA	This was an anticipatory bail application. One Preeti Gupta had filed a complaint against her father-in-law, the accused applicant, and his son, her husband. When she married her husband, she gave various gold articles and money to the accused applicant and other persons. The accused applicant began to harass her after this as well as beat her after this. The Court had previously already granted bail under sections 406 and 498AIPC. Sections 312 and 313 were added to the complaint subsequently according to the medical report filed.	Not clear from facts.	Accused: Husband and in-laws of the pregnant person. Pregnant person harassed for dowry.	NA	The Court found that the medical opinion of the doctor sought bore no official seal or stamp. Even then, the opinion found that an abortion had already taken place and had not been done at the hospital of the concerned hospital. The hospital was only concerned with stopping the bleeding suffered by the complainant. No cause for the abortion could be given. Considering that bail had been granted previously and he had joined the investigation, <b>the court granted bail.</b>	Interim anticipatory bail made absolute.	Barjinder Pal Singh
Barnala	Ashok Kumar v State of Punjab	PBBR01-0002763-2020	17.11.2020	Disposed	First heard 23.10.2020	312, 313, 498A, 406	Not clear from the facts.	NA	This was an anticipatory bail application. One Preeti Gupta had filed a complaint against her father-in-law, the accused applicant, and his son, her husband. When she married her husband, she gave various gold articles and money to the accused applicant and other persons. The accused applicant began to harass her after this as well as beat her after this. The Court had previously already granted bail under sections 406 and 498AIPC. Sections 312 and 313 were added to the complaint subsequently according to the medical report filed.	Not clear from facts.	Accused: Husband and in-laws of the pregnant person. Pregnant person harassed for dowry.	NA	The Court found that the medical opinion of the doctor sought bore no official seal or stamp. Even then, the opinion found that an abortion had already taken place and had not been done at the hospital of the concerned hospital. The hospital was only concerned with stopping the bleeding suffered by the complainant. No cause for the abortion could be given. Considering that bail had been granted previously and he had joined the investigation, <b>the court granted bail.</b>	Interim anticipatory bail made absolute.	Barjinder Pal Singh
Barnala	Priya Sharma v State of Punjab	PBBR01-003272-2020	22.12.2020	Disposed	First heard 14.12.2020	312, 313, 498A, 323, 506, 120B	Forced	NA	According to the complaint, the in-laws including the applicant harassed the pregnant person for dowry and also took her possessions. When the complainant became pregnant, the accused applicant, the sister-in-law, abetted the husband and mother in-law of the complainant to terminate the pregnancy via an abortive medicine. The accused husband had wanted to marry another girl, and had tried to kill the complainant in the process.  This was an anticipatory bail application. The accused submitted that she had been falsely implicated and had not been in the same vicinity as the location of the alleged incident. The accused applicant also had two children and aged parents.	Illegal - abortive pill forcefully administered.	Accused: Sister-in-law of pregnant person. Pregnant person harassed for dowry.	NA	The court <b>denied the bail</b> on the grounds of alleged illegal termination of pregnancy	Bail dismissed as denied.	Virinder Aggarwal
Barnala	Deepika @ Deepak Rani v State of Punjab	PBBR010033882020	24.12.2020	Disposed	Disposed in one day	312, 313, 498, 323, 506, 120B	NA	NA	This was a bail application.	NA	NA	NA	Bail application dismissed as withdrawn.	Dismissed as withdrawn.	Virinder Aggarwal
<b>Faridkot</b>															
Faridkot	Malkit Singh v Sukhwinder Kaur	PBFD010037402018	12.10.2018	Disposed	First heard 3.10.2018	312, 313, 452, 376, 366, 506, 34, 216, 217, 218, 120B	Forced	POCSO Sections 5, 6 and 17	According to an interim order, the accused had put up an application for bail. The applicant had been summoned by the the competent court for the offences in a case Sukhwinder Kaur Versus Jagseer Singh and others. The Court directed for furnishing of bail bonds of Rs. 30,000 with one surety.  The Court received notice that the applicant accused had furnished bail bonds. No other facts available.	Illegal - abortive pills used	Prosecutrix's parents are Economically marginalised	NA	<b>Interim anticipatory bail granted.</b>	<b>Interim anticipatory bail granted.</b>	Harpal Singh
Faridkot	Jagseer Singh v Sukhwinder Kaur	PBFD010037672018	12.10.2018	Disposed	First heard 4.10.2018	312, 313, 452, 366, 376, 506, 34, 216, 217, 218, 120B	Forced	POCSO Sections 5, 6 and 17	According to an interim order, the accused had put up an application for bail. The applicant had been summoned by the the competent court for the offences in a case Sukhwinder Kaur Versus Jagseer Singh and others. The Court directed for furnishing of bail bonds of Rs. 30,000 with one surety.  The Court received notice that the applicant accused had furnished bail bonds. No other facts available.	Illegal - abortive pills used	Prosecutrix's parents are Economically marginalised	NA	<b>Interim anticipatory bail granted.</b>	<b>Interim anticipatory bail granted.</b>	Harpal Singh
Faridkot	Satpal Singh v Amarjit Singh	PBFD030000462017	14.02.2019	Disposed	First heard 18.1.2017	312, 313, 314, 315, 316, 317, 318, 302, 323, 324, 500, 506, 148, 149, 216, 217, 218, 120	NA	S. 25, 27, 54, and 59 of the Arms Act	Complainant did not wish to pursue the matter.	NA	NA	NA	The court dismissed the matter as withdrawn.	NA	Suresh Kumar
Faridkot	Inspector Tejinderpal Singh v Sukhwinder Kaur	PBFD010023342019	11.7.2019	Disposed	First heard 4.7.2019	312, 313, 452, 366, 376, 506, 34, 216, 217, 218, 120B	Forced	POCSO Sections 5, 6 and 17	According to an interim order, the accused had put up an application for bail. The applicant had been summoned by the the competent court for the offences in a case Sukhwinder Kaur Versus Jagseer Singh and others. The Court directed for furnishing of bail bonds of Rs. 30,000 with one surety.  The Court received notice that the applicant accused had furnished bail bonds. No other facts available.	Illegal - abortive pills used	Prosecutrix's parents are Economically marginalised	NA	<b>Interim anticipatory bail granted.</b>	<b>Interim anticipatory bail granted.</b>	Harpal Singh
Faridkot	Karamjit Kaur Alias Paramjit Kaur v. Sukhwinder Kaur	PBFD010035852018	3.10.2018	Disposed	First heard 21.9.2019	312, 313, 452, 366, 376, 506, 34, 216, 217, 218, 120B	Forced	POCSO Sections 5, 6 and 17	According to an interim order, the accused had put up an application for bail. The applicant had been summoned by the the competent court for the offences in a case Sukhwinder Kaur Versus Jagseer Singh and others. The Court directed for furnishing of bail bonds of Rs. 30,000 with one surety.  The Court received notice that the applicant accused had furnished bail bonds. No other facts available.	Illegal - abortive pills used	Prosecutrix's parents are Economically marginalised	NA	<b>Interim anticipatory bail granted.</b>	<b>Interim anticipatory bail granted.</b>	Harpal Singh



District	Name of Case	CNR No	Date	Pending/Disposed Status	Pendency Details	Sections of the IPC including 312	Forced /Consensual	Ancillary Statutes	Facts	Legal/Illegal as per MTP	Nature of Parties involved and Vulnerabilities	Stage of Pregnancy	Holding and Reasoning	Status of Bail	Judge(s)
Faridkot	Sukhwinder Kaur v Jagsir Singh alias Seera and Ors.	PBFD010033752019	17.10.2019	Disposed	First heard 3.9.2019	312, 313, 452, 366, 376, 506, 34, 216, 217, 218, 120B	Forced	POCSO Sections 5, 6 and 17	A complaint had been filed against 4 persons for the offences mentioned. The accused Jagsir Singh molested the complainant and one day, when she was alone at home, with Maljit Singh and Karamjit Kaur, molested her. This once again repeated on another day where these three threatened to kill her. Jagsir Singh raped her on this account, and threatened to harm her for disclosing the incident. He also gave her tablets to prevent a pregnancy. When the parents found Jagsir leaving the house, they inquired about the incident, after which the police was informed. Karamjit Kaur threatened consequences upon knowing of this. An FIR was filed and an investigation was done. The accused however, were let go by the police. <b>The complainant stated that the SHO, Tejinder Singh, the fourth accused herein, connived with the accused and threatened her family. Complaints were moved against the SHO. A complaint was brought to the Court's notice due to police inaction.</b> Before the Court, all four persons were summoned face trial. They were all released on bail. The pleaded not guilty and requested for a trial.	Illegal - abortive pills used	Prosecutrix's parents are Economically marginalised	NA	The Court found that in her statement before the court, the complainant went against her initial statements of rape and harassment. She also mentioned that she never made a complaint in the first place. The mother of the prosecutrix repeated this. The prosecutrix and her parents were eventually declared hostile. Due to this, and no other proof put forth, the court acquitted all four accused persons.	All the accused persons were granted bail	Harpal Singh
Faridkot	Devinderjit Singh v Sandeep Kaur and Ors.	PBFD030017482018	28.01.2020	Disposed	First heard on 30.08.2018	312, 307, 506, 34, 342, 109	NA	NA	Since filing the case, the complainant had only examined one witness for preliminary evidence.	NA	NA	NA	The court dismissed the case as the complainant did not seem to want to pursue the complaint.	NA	Ekta Uppal
<b>Fatehgar Sahib</b>															
Fatehgar Sahib	Rupinder Kaur v Jatinder Singh and ors.	PBFG030005482019	02.03.2019	Disposed	Heard and disposed on the same day	312, 313, 323, 377, 406, 498A, 506, 120B	NA	NA	No one appeared on behalf of the complainant.	NA	NA	NA	Court dismissed the application in default of prosecution.	Vipindeep Kaur	
Fatehgar Sahib	Sandeep Singh v Swarandeeep Kaur and Ors.	PBFG030021992018	09.03.2019	Disposed	First heard 30.03.2018	312, 313, 323, 324, 336, 506, 34	NA	NA	The file was taken up by the National Lok Adalat. The complainant had submitted that he wished to withdraw the complaint	NA	NA	NA	The case was dismissed as withdrawn.	NA	Varundeep Chopra
Fatehgar Sahib	Sarabjit Singh v Mandeeep Kaur and Ors.	PBFG030049742017	14.09.2019	Disposed	First heard 12.07.2017	312, 313, 120B	NA	NA	File was taken up in the Lok Adalat and a compromise had been made between the parties.	NA	NA	NA	The case was dismissed as withdrawn.	NA	Varundeep Chopra
<b>Fazilka</b>															
Fazilka	Joginder Singh v Jasbir Kaur and Ors.	PBDFZC200013422013	23.08.2016 (final order)12.08.16 (interim order)	Disposed	First heard 24.05.2013	312, 315, 406, 420	Forced	NA	Final order not uploaded on website. According to an interim order dated 12.08.2016, the accused was the husband of the complainant. Accused persons 2, 3, and 5 were the father, mother, and brother of the accused husband. It was alleged that the accused persons terminated the complainant's pregnancy without her consent. The court however, did not have territorial jurisdiction to try the matter.	Illegal	Husband and in laws (mother, father and brother in law)	NA	File sent to Ferozpur, Sessions Division due to territorial jurisdiction issue.	Jatinder Pal Singh Wahniwal	
Fazilka	State v Tara Singh and Ors.	PBFZB10000352020	24.01.2020	Disposed	First heard 10.01.2020	312, 313, 323, 354, 34	NA	NA	Procedural order.	NA	NA	NA	Present cancellation report is not accepted since the judge is not convinced with the investigation.	NA	Ramneet Kaur
Fazilka	Santosh Kumari and Kapil v State of Punjab	PBFZC00019522020	06.05.2020	Disposed	First heard 20.04.2020	312, 406, 498A	NA	NA	This was an anticipatory bail application. The complainant had accusations pertaining to maltreatment, harassment, and torture in the name of dowry.  The accused applicants herein were the mother-in-law and brother-in-law of the complainant	NA	mother in law and brother in law of the complainant	NA	<b>The court made an observation that there was a tendency to involve family members of the husband during disputes between the wife and husband. The court did not find custodial interrogation to be necessary. It therefore granted bail.</b>	Bail granted	Sandeep S. Jossan
Fazilka	Dinesh Kumar v State of Punjab	PBFZC00019512020	12.06.2020	Disposed	First heard 20.04.2020	312, 406, 498A	NA	NA	Anticipatory bail application	NA	NA	NA	<b>Anticipatory bail made absolute.</b>	NA	Sunil Kumar
Fazilka	Nishan Sing And Balwinder Singh v. State of Punjab	PBFZC00011922020	11.05.2020	Disposed	First heard 27.02.2020	312, 323, 149, 498A	Forced	NA	The applicants were the brother in law. This was an anticipatory bail application. The complainant in this matter was married to one Sukhwinder Singh. complainant alleged that her husband has physically assaulted her on many occasions. On one occasion, her husband and in-laws started quarrelling with her family and hit her stomach. She was hospitalised and miscarried as a result of the injuries.	Illegal - Alleged physical harm resulting in miscarriage	Brother in laws of the pregnant person	2/3 months	The court did not find this to be a fit case for bail as the accusations were serious and specific against the accused persons. <b>Bail was denied.</b>	Bail denied	Gurdarshan Kaur Dhariwali
Fazilka	Juginder Singh and Dalip Kaur v State of Punjab	PBFZC00024732020	18.06.2020	Disposed	Heard and disposed in 3 days.	312, 323, 149, 498A	Forced	NA	The applicants were the parents in law. This was an anticipatory bail application. The complainant in this matter was married to one Sukhwinder Singh. complainant alleged that her husband has physically assaulted her on many occasions. On one occasion, her husband and in-laws started quarrelling with her family and hit her stomach. She was hospitalised and miscarried as a result of the injuries.	Illegal - Alleged physical harm resulting in unintentional miscarriage	Parent in laws of the applicant	2/3rd month	The court did not find this to be a fit case for bail as the accusations were serious and specific against the accused persons. <b>Bail was denied.</b>	bail denied	Gurdarshan kaur dhariwali
Fazilka	Sukhwinder Singh v State of Punjab	PBFZC00028772020	14.07.2020	Disposed	First heard 08.07.2020	312, 323, 149, 498A	Forced	NA	This was an anticipatory bail application. The complainant in this matter was married to one Sukhwinder Singh. When he came home drunk once, he started verbally abusing her for not bringing money from her parents. He also assaulted her. When she called her parents on the same night, they took her away. When she was brought back to her husband and in-laws, they started quarrelling with her family and hit her stomach. She was hospitalised and miscarried as a result of the injuries.  The applicant herein was the accused husband Sukhwinder Singh. It was submitted that the complaint had been made after a delay of more than one year and that the applicant was ready to join trial.	Illegal - Alleged physical harm resulting in miscarriage	Husband of the pregnant person	2/3 months	The court did not find this to be a fit case for bail as the accusations were serious and specific against the husband. The co-accused persons' bail applicants were already dismissed as well. <b>Bail was denied.</b>	Anticipatory bail denied	Gurdarshan Kaur Dhaliwal
Fazilka	Dalip Kaur v. State of Punjab	PBFZC00038922020	28.09.2020	Disposed	First heard 21.09.2020	312, 323, 149, 498A	Forced	NA	This was an anticipatory bail application. The complainant in this matter was married to one Sukhwinder Singh. When he came home drunk once, he started verbally abusing her for not bringing money from her parents. He also assaulted her. When she called her parents on the same night, they took her away. When she was brought back to her husband and in-laws, they started quarrelling with her family and hit her stomach. She was hospitalised and miscarried as a result of the injuries.  The applicant herein was the mother-in-law of the complainant. Her accused son, against whom allegations were made, was already out on regular bail.	Illegal - Alleged physical harm resulting in miscarriage	Mother-in-law	2/3 months	The court found the allegations to be serious in nature. The allegations were specifically against the accused family. An earlier bail application had also already been dismissed, and there were no change in circumstances to grant the bail. It was therefore <b>denied.</b>	Anticipatory bail denied	Gurdarshan Kaur Dhaliwal
<b>Ferozpur</b>															

District	Name of Case	CNR No	Date	Pending/Disposed Status	Pendency Details	Sections of the IPC including 312	Forced /Consensual	Ancillary Statutes	Facts	Legal/Illegal as per MTP	Nature of Parties involved and Vulnerabilities	Stage of Pregnancy	Holding and Reasoning	Status of Bail	Judge(s)
Ferozepur	State of Punjab v Sandeep Singh	PBFZ010007332017	16.02.2017	Disposed	Heard and disposed on the same day	312, 313, 314, 506, 120-B, 376D	Forced	NA	The prosecutrix had submitted that when she was at the house of the one of the four co-accused persons, the four co-accused persons, including the applicant, raped the prosecutrix and threatened her if she disclosed the incident. Two of the co-accused persons thereafter took her to Dr. Sandeep Kumar. They were accompanied by Dr. Surjit Kaur and some other female person. At the clinic, they terminated the prosecutrix's pregnancy but she was in severe pain due to an incomplete abortion. She was thereafter dropped off, and she then reported this to her aunt and mother. They took her to a nursin home where she delivered a dead foetus.	Illegal - pregnancy terminated without the pregnant person's consent.	Accused is the person who allegedly raped the pregnant person.	Information not given	Court dismissed the application as withdrawn.	NA	S.K. Aggarwal
Ferozepur	State of Punjab v. Sukhdev Singh, Ashok Kumar, Sandeep Singh, Dr. Sandeep Kumar, and Dr. Surjit Kaur	PBFZD10008052016	21.04.2017	Disposed	First heard 07.12.2016	312, 313, 314, 506, 120B, 376D	Forced	NA	The prosecutrix had submitted that when she was at the house of the one of the four co-accused persons, the four co-accused persons, including the applicant, raped the prosecutrix and threatened her if she disclosed the incident. Two of the co-accused persons thereafter took her to Dr. Sandeep Kumar. They were accompanied by Dr. Surjit Kaur and some other female person. At the clinic, they terminated the prosecutrix's pregnancy but she was in severe pain due to an incomplete abortion. She was thereafter dropped off, and she then reported this to her aunt and mother. They took her to a nursin home where she delivered a dead foetus.	Illegal - pregnancy terminated without the pregnant person's consent.	Pregnant person worked as household help and had studied upto 8th standard.	Information not given	The court found there to be a prima facie case under all the offences, and thus transferred the case to the Sessions division in Ferozepur	NA	Harjinder Kaur
Ferozepur	State of Punjab v Sandeep Singh	PBFZ010020312017	08.05.2017	Disposed	First heard 03.05.2017	312, 313, 314, 506, 120-B, 376D	Forced	NA	This was a bail application by one of the persons who raped the prosecutrix.  The prosecutrix had submitted that when she was at the house of the one of the four co-accused persons, the four co-accused persons, including the applicant, raped the prosecutrix and threatened her if she disclosed the incident. Two of the co-accused persons thereafter took her to Dr. Sandeep Kumar. They were accompanied by Dr. Surjit Kaur and some other female person. At the clinic, they terminated the prosecutrix's pregnancy but she was in severe pain due to an incomplete abortion. She was thereafter dropped off, and she then reported this to her aunt and mother.  The applicant submitted that he had been roped on because he was known to Sukhdev Singh and Ashok Singh. He had been in custody for a while as well. He prayed for bail.	Illegal - pregnancy terminated without the pregnant person's consent.	Accused is the person who allegedly raped the pregnant person.	Information not given	The court <b>denied bail</b> in light of the gravity of offences claimed.	Bail denied	S.K. Aggarwal
Ferozepur	State of Punjab v. Surjit Kaur	PBFZ010030632017	02.08.2017	Disposed	First heard 10.07.2017	312, 313, 314, 506, 120-B, 376D	Forced	NA	This was an anticipatory bail application by Dr. Surjit Kaur.  The prosecutrix had submitted that when she was at the house of the one of the four co-accused persons, the four co-accused persons raped the prosecutrix and threatened her if she disclosed the incident. Two of the co-accused persons thereafter took her to Dr. Sandeep Kumar. They were accompanied by Dr. Surjit Kaur, the applicant herein and some other female person. At the clinic, they terminated the prosecutrix's pregnancy but she was in severe pain due to an incomplete abortion. She was thereafter dropped off, and she then reported this to her aunt and mother.	Illegal - pregnancy terminated without the pregnant person's consent.	One of the Doctors who terminated the pregnancy	Information not given	The court <b>denied bail</b> due to the serious allegations and directed that the applicant be declared a proclaimed offender.	Bail denied	S.K. Aggarwal
Ferozepur	State of Punjab v Ashok Singh @ Ashoki	PBFZ0100462122017	14.09.2017	Disposed	Heard and disposed on the same day	312, 313, 314, 506, 120-B, 376D	Forced	NA	This was a bail application by one of the persons who raped the prosecutrix.  The prosecutrix had submitted that when she was at the house of the one of the four co-accused persons, the four co-accused persons, including the applicant, raped the prosecutrix and threatened her If she disclosed the incident. Two of the co-accused persons thereafter took her to Dr. Sandeep Kumar. They were accompanied by Dr. Surjit Kaur and some other female person. At the clinic, they terminated the prosecutrix's pregnancy but she was in severe pain due to an incomplete abortion. She was then dropped off at home, and she then reported this to her aunt and mother.  The applicant submitted that he had not been present in Ferozepur on the date of the incident.	Illegal - pregnancy terminated without the pregnant person's consent.	Person who raped the pregnant person	Information not given	The court <b>denied bail</b> in light of the gravity of offences claimed.	Bail denied	S.K. Aggarwal
Ferozepur	State of Punjab v Sandeep Singh	PBFZ010051072017	13.11.2017	Disposed	First heard 10.10.2017	312, 313, 314, 506, 120-B, 376D	Forced	NA	This was a bail application by one of the persons who raped the prosecutrix.  The prosecutrix had submitted that when she was at the house of the one of the four co-accused persons, the four co-accused persons, including the applicant, raped the prosecutrix and threatened her If she disclosed the incident. Two of the co-accused persons thereafter took her to Dr. Sandeep Kumar. They were accompanied by Dr. Surjit Kaur and some other female person. At the clinic, they terminated the prosecutrix's pregnancy but she was in severe pain due to an incomplete abortion. She was thereafter dropped off, and she then reported this to her aunt and mother.  The applicant submitted that he had been roped on because he was known to Sukhdev Singh and Ashok Singh. He prayed for bail.	Illegal - pregnancy terminated without the pregnant person's consent.	Accused is the person who allegedly raped the pregnant person.	Information not given	The court <b>denied bail</b> in light of the gravity of offences claimed.	Bail denied	S.K. Aggarwal

District	Name of Case	CNR No	Date	Pending/Disposed Status	Pendency Details	Sections of the IPC including 312	Forced /Consensual	Ancillary Statutes	Facts	Legal/Illegal as per MTP	Nature of Parties involved and Vulnerabilities	Stage of Pregnancy	Holding and Reasoning	Status of Bail	Judge(s)
Ferozepur	State of Punjab v. Sukhdev Singh @ Sukha	PBFZ010061232017	29.11.2017	Disposed	Heard and disposed on the same day	312, 313, 506, 120-B, 376	Forced	NA	This was a bail application by one of the persons who raped the prosecutrix.  The prosecutrix had submitted that when she was at the house of the one of the four co-accused persons, the four co-accused persons, including the applicant, raped the prosecutrix and threatened her if she disclosed the incident. Two of the co-accused persons thereafter took her to Dr. Sandeep Kumar. They were accompanied by Dr. Surjit Kaur and some other female person. At the clinic, they terminated the prosecutrix's pregnancy but she was in severe pain due to an incomplete abortion. She was thereafter dropped off, and she then reported this to her aunt and mother.  The applicant submitted that the prosecutrix had a stomach infection due to which she miscarried.	Illegal - pregnancy terminated without the pregnant person's consent.	Person who raped the pregnant person	Information not given	The court <b>denied bail</b> in light of the gravity of offences claimed.	Bail denied	S.K. Aggarwal
Ferozepur	Sandeep Kumar v. State of Punjab	PBFZ010040442018	31.07.2018	Disposed	First heard 23.07.2018	312, 313, 314, 506, 120-B, 376D	Forced	NA	This was an anticipatory bail application by Dr. Sandeep.  The prosecutrix had submitted that when she was at the house of the one of the four co-accused persons, the four co-accused persons raped the prosecutrix and threatened her if she disclosed the incident. Two of the co-accused persons thereafter took her to Dr. Sandeep Kumar, the applicant herein. They were accompanied by the applicant's wife, Dr. Surjit Kaur, and some other female person. At the applicant's clinic, they terminated the prosecutrix's pregnancy but she was in severe pain due to an incomplete abortion. She was thereafter dropped off, and she then reported this to her aunt and mother.  The applicant submitted that no direct allegation was made against him.	Illegal - pregnancy terminated without the pregnant person's consent.	One of the Doctors who terminated the pregnancy	Information not given	The court <b>denied bail</b> due to the serious allegations and directed that the applicant be declared a proclaimed offender.	Anticipatory bail denied.	S.K. Aggarwal
Ferozepur	State of Punjab v. Sukhdev Singh, Ashok Kumar, Sandeep Singh and Surjit Kaur	PBFZ010021642017	08.04.2019 and 09.04.2019	Disposed	First heard 08.05.2017	312, 313, 314, 506, 120-B, 376D	Forced	NA	It was observed that in the course of the investigation, the police had examined the foetus of the victim. During the investigation, the victim herself died after which 314 was added to the charges. Summons was issued under 120B, 376D, 312, 313, 314, and 506 IPC. One of the doctor's testimonies revealed that the victim had suffered from septicemic shock due to an incomplete abortion, resulting from post abortal uterine perforation. This was enough to have caused her death. The DNA report also showed Ashok Singh to be the biological father of the foetus. Furthermore, the victim had given a dying declaration as to the incidents leading to her death. The accused were also not able to prove that they had not been in Ferozepur at the time of the incident. Although the aunt, uncle and mother turned hostile, the victim's dying declaration inspired confidence. As for Dr. Surjit Kaur, she had no medical training to conduct the abortion, yet she took part in the procedure. The USG of the victim showed severe complications after the incomplete abortion.  The court found the accused persons Ashok, Sandeep Singh, and Sukhdev to be guilty u/s 376D, 120B, 312, 313, 314, and 506IPC, and Surjit Kaur u/s 120B, 312, 313, and 314 IPC. They were given various concurrent sentences.	Illegal	NA	Person who raped the pregnant person and the doctor who terminated the pregnancy	The Court had to decide the guilt of the four accused persons. On 08.04.2019, the court pronounced its judgment. On 09.04.2019, the court sentenced them via a separate order.	Charges proved, all accused persons found guilty	Parminder Pal Singh
<b>Gurdaspur</b>															
Gurdaspur	Harjit Singh v Raghbir Singh and Ors	PBGDA10000872017	10.07.2019	Disposed	First heard 21.01.2017	312, 420,120B, 379, 427 and 506	Consensual	NA	The complainant had married the accused Parwinder Kaur. The accused persons were said to have threatened the complainant and his family. The accused Parwinder gave birth to one child, and became pregnant soon after. However, she in connivance with Shapinder Kaur and Surinder Kaur, the co-accused, had her pregnancy terminated against her husband's consent. She also left the matrimonial house without his consent. Before the court, a plea for summoning the accused was made.	Legal	Pregnant person and her family	2 months	The court found there to be an unexplained delay of 9 months before the filing of the complaint. No doctor was examined to substantiate the charge of an 'illegal' pregnancy. No dishonest intention had been proved either. It found no grounds to summon the accused and thus dismissed the complaint.	NA	Shagun
<b>Hoshiarpur</b>															
Hoshiarpur	Gurjit Singh v Jaswinder Kaur	PBHOA10002682014	23.05.2014	Disposed	Complainant did not arrive; Case dismissed on the same day it was heard for the first time.	312, 315, 506, 201, 120B	NA	NA	The case was dismissed due to the non-appearance of the complainant in court.	NA	NA	NA	The case was dismissed due to the non-appearance of the complainant in court.	NA	Raman Sharma
Hoshiarpur	Rishav Thind v State of Punjab	PBHO010007682015	09.04.2015	Disposed	First heard 16.02.2015	376, 312, 506/509	Information not given	S. 4 of POCSO and S. 66A IT Act	This was a regular bail application by the accused Rishav Thind. The prosecutrix had stated that the accused harassed her to coerce her into marrying him, which she denied as she was a minor. Subsequently, the sister of the accused called the prosecutrix to her house where the accused applicant and her family was present. Upon being offered a cold drink, the prosecutrix lost consciousness. When she gained consciousness, she found that she had been raped, resulting in her pregnancy. The accused's bail application was denied.	Information not given	Known to pregnant person. Pregnant person was minor.	Information not given	Bail <b>denied</b> . The court found that specific allegations were levelled against the accused applicant. The court also considered the gravity of offences when denying bail.	Bail Denied	Poonam R Joshi
Hoshiarpur	Mehanga Ram v Babita Devi	PBHOC10000352017	22.11.2019	Disposed	First heard 14.03.2017	312 and 120B	NA	NA	The case was dismissed due to the complainant's absence in court.	NA	NA	NA	Case dismissed due to non-appearance of complainant	NA	Rajwinder Kaur
Hoshiarpur	State of Punjab v Unknown	PBHO030025642019	14.12.2019	Disposed	First heard 23.10.2019	312, 315, 506, 34	NA	NA	According to an interim order dated 13.12.2019, the complainant had died and an untraced report was submitted. This case involving charges pertaining to a miscarriage was taken up in Lok Adalat, where the untraced report presented was accepted, and the file was closed.	NA	NA	NA	Disposed in Lok Adalat	NA	Amit Malhan

District	Name of Case	CNR No	Date	Pending/Disposed Status	Pendency Details	Sections of the IPC including 312	Forced /Consensual	Ancillary Statutes	Facts	Legal/Illegal as per MTP	Nature of Parties involved and Vulnerabilities	Stage of Pregnancy	Holding and Reasoning	Status of Bail	Judge(s)
Hoshiarpur	Tarsem Singh v Chandan Preet Kaur and Ors.	PBHOA10000712017	17.01.2020	Disposed	First heard 01.04.2017	312, 506, 120B	Consensual	NA	The complainant was the father-in-law of the accused person 1. Accused person 1 had married the complainant's son and had concealed from their relationship. Accused person 1 was however, said to have pressurised her husband to take his share of the joint property and settle elsewhere. When he refused, she threatened to terminate the pregnancy. Eventually, the complainant found out that she allegedly did terminate pregnancy illegally.	Unclear	Pregnant person and her family	Information not given	The Court observed that as per the allegations, the pregnancy was terminated in Tanda, due to which the Dasuya civil court had the jurisdiction to take cognizance. It however, noted that other than oral allegations, no evidence as to the alleged termination has been brought on. No doctor that illegally terminated the pregnancy was examined. The court moreover found that the allegations in the complainant were the outcome of a matrimonial dispute between the accused wife and her husband. No explanation was given for the delay of 1 year in filing the complainant. The court therefore found the complainant to be not maintainable, and dismissed it.	NA	Varinder Kumar
<b>Jalandhar</b>															
Jalandhar	Ankit Bhardwaj v Vandana Kumari	PBJL030326212017	04.01.2018	Disposed	First heard 03.07.2017	312, 34, 201	NA	NA	The complainant did not attend the court proceedings, leading to the dismissal of the case.	NA	NA	NA	Case dismissed due to non-appearance of complainant	NA	Harpreet Kaur
Jalandhar	Pooja v Bahadur Singh	PBJL010129722019	03.06.2019	Disposed	First heard 14.05.2019	312, 201	Forced	NA	This was an bail application by Pooja, the first accused, who was about 24 years. The pregnant person submitted that she was falsely implicated in the case. Her father-in-law bought medicine which was administered by her mother-in-law and sister-in-law, resulting in a miscarriage.	NA	Pregnant person	NA	Pooja had been summoned under s. 312 and 201 IPC. The court did not grant bail. Reasoning given in order is contrary.	Bail denied.	Nisha Bhatt
Jalandhar	Sukhsarwan Singh v Mandeep Kaur	PBJL030285002016	21.12.2019	Disposed	First heard 07.10.2016	312, 420, 406, 312, 120B	NA	NA	The case was dismissed as both parties reached a compromise.	NA	NA	NA	Case dismissed due to compromise	NA	Deepal Singh
<b>Kapurthala</b>															
Kapurthala	Bhajan Kaur v Ravinder Kaur	PBKP030012502013	22.09.2014	Disposed	First heard 05.12.2013	312, 314, 316	NA	NA	File taken up in Lok Adalat. Order passed in Lok Adalat	NA	NA	NA	In view of the order passed in Lok Adalat, the file is consigned to the record room.	Indu Bala	
<b>Ludhiana</b>															
Ludhiana	Vinod Kumar Devra v Kanta	PBLD030190992016	27.02.2017	Disposed	First heard 19.12.2016	312, 315, 120	NA	NA	The complainant did not appear despite the case being called out. No facts given.	NA	NA	NA	Case dismissed for want of prosecution.	NA	Gurpreet Kaur
Ludhiana	Brij Mohan Marwaha and Ors. v. Ritu Raj Bhandari	PBLD010093622017	10.05.2017	Disposed	First heard 29.04.2017	312, 315, 316, 318, 511, 120B	Consensual - "consent of the husband not taken"	NA	Four accused persons applied for anticipatory bail. The complainant had married one Rimpay Marwaha, accused person 1, who was the daughter of accused persons 2 and 3, and sister of accused persons 4 and 5 (her brothers). When Rimpay was pregnant, she threatened the complainant that she would commit suicide. Accused persons 2 to 5 were said to have interfered in the complainant's matrimonial life. When she was 33 weeks pregnant, Rimpay had the pregnancy terminated with the help of her family and one doctor. They administered an abortive due to which the female foetus was aborted. Post-abortion complications caused her to be hospitalised. The present complaint was filed for illegally conducting the abortion and without the complainant's consent. Family of pregnant person applied for anticipatory bail.	Illegal - late term abortion. Consent of partner not taken.	Family of pregnant person	33 -34 weeks	Summons was already issued and no custodial interrogation was required. The court <b>granted bail</b> on bonds of 50,000 each with one like surety.	Anticipatory bail granted. Bonds of Rupees 50,000 each with one like surety to be furnished.	Sonia Kinra
Ludhiana	Rimpay Marwaha v. Ritu Raj	PBLD0100851802017	10.05.2017	Disposed	First heard 19.04.2017	312, 315, 316, 318, 511, 120B	Consensual - "consent of the husband not taken"	NA	The complainant had married one Rimpay Marwaha, accused person 1, who was the daughter of accused persons 2 and 3, and sister of accused persons 4 and 5 (her brothers). When Rimpay was pregnant, she threatened the complainant that she would commit suicide. Accused persons 2 to 5 were said to have interfered in the complainant's matrimonial life. When she was 33 weeks pregnant, Rimpay had the pregnancy terminated with the help of her family and one doctor. They administered an abortive due to which the female foetus was aborted. Post-abortion complications caused her to be hospitalised. The present complaint was filed for illegally conducting the abortion and without the complainant's consent. A revision petition had been filed against the order summoning the revisionists.	Illegal - late term abortion. Consent of partner not taken.	Pregnant Person	33 -34 weeks	Summons was already issued and no custodial interrogation was required. The court <b>granted bail</b> on bonds of 50,000 with one like surety.	Anticipatory bail granted. Bonds of Rupees 50,000 each with one like surety to be furnished.	Sonia Kinra
Ludhiana	State v. Prem Kumar and Ors.	PBLD030110992016	14.05.2018	Disposed	First heard 01.09.2016	312, 323, 341, 506, 509, 149	NA	NA	The accused persons herein were said to have caused simple hurt to the complainant. There were accusations of them restraining, threatening and intimidating the complainant and causing her to miscarry. The charges were framed under 323, 341, 312, 506, 509, 149 IPC. In trial, the complainant turned hostile. No other incriminating evidence was submitted.	NA	NA	NA	The court acquitted the accused persons of all charges framed.	Acquitted	Sumit Sabharwal
Ludhiana	State v Ravneet Kaur	PBLDB100107662016	31.05.2018	Disposed	First heard 25.11.2016	312, 406, 120B	NA	NA	The High Court had dismissed the ongoing proceedings, and the FIR was ordered to be quashed. The copy of this order was presented to the court.	NA	NA	NA	As the FIR was quashed and proceedings were dismissed by the High Court, the court disposed the case.	NA	Pavleen Singh
Ludhiana	Sukhmeet Singh Aneja v Harshleen and Ors.	PBLD030154042017	20.09.2018	Disposed	First heard 29.04.2017	312, 315, 120B, 506	NA	NA	The complainant had married accused person 1. Accused person 2 and 3 were the parents of the accused wife. Accused 4 was the cousin of accused person 1, while accused 5 was the husband of accused person 5. Accused person 6 was the aunt of the accused wife. The complainant accused his wife of quarrelling often with him and his family. She pressured him to shift cities. She refused to conceive until her demands were met. When she did become pregnant, her family told the complainant that they would have the pregnancy terminated. A police application was made by the complainant's father to prevent harm to the foetus by the accused wife's family. However, the accused persons had the pregnancy terminated as the accused wife did not wish to deliver a child. The complainant sought to summon the accused under sections 312, 315, 506.	NA	pregnant person and her family	NA	The court found that the complainant could not show that the pregnancy was terminated intentionally and for malafide reasons. The complaint was therefore dismissed.	NA	Navreet Kaur
Ludhiana	Manpreet Singh vs. State of Punjab	PBLD010207622018	05.10.2018	Disposed	First heard 25.09.2018	312, 315, 498A, 506, 323	Forced	NA	The accused husband, Manpreet Singh, applied for anticipatory bail. The case involved the allegations of dowry demands and forced sexual intercourse. The complainant's health deteriorated while she was pregnant due to the harassment, causing her to have to undergo an abortion.	Illegal	Husband of the pregnant person	2 months	The court found that there to be serious allegations against the applicant. It therefore <b>denied anticipatory bail</b> .	Anticipatory bail denied.	Atul Kasana
Ludhiana	Jagtar Singh v. Rajwinder Kaur	PBLD030175482017	13.10.2018	Disposed	First heard 18.05.2017	312	NA	NA	The complainant did not appear despite the case being called out. No facts given.	NA	NA	NA	Complaint dismissed in default of non prosecution.	NA	Pavleen Singh



District	Name of Case	CNR No	Date	Pending/Disposed Status	Pendency Details	Sections of the IPC including 312	Forced /Consensual	Ancillary Statutes	Facts	Legal/Illegal as per MTP	Nature of Parties involved and Vulnerabilities	Stage of Pregnancy	Holding and Reasoning	Status of Bail	Judge(s)
Ludhiana	State v Gurpreet Singh and Ors.	PBLDA10055632018	14.03.2019	Disposed	First heard 13.12.2018	312, 323, 307, 506, 406, 498A, 34	NA	NA	The accused was absent without intimation, and was in custody due to another case.	NA	NA	NA	Production warrant issued.	NA	Rahul Garg
Ludhiana	Balwinder Singh vs. Kiran	PBLD030516522017	27.03.2019	Disposed	First heard 04.12.2017	312, 315, 148	NA	NA	The complainant wished to withdraw the case.	NA	NA	NA	Complaint dismissed as withdrawn	NA	Pavleen Singh
Ludhiana	Rimpy Marwaha and Ors. v. Ritu Raj Bhandari	PBLD010154412917	04.04.2019	Disposed	First heard 18.07.2017	312, 315, 316, 318, 511, 120B	Consensual - "consent of the husband not taken"	S. 3, 4, and 5 of MTP Act	The complainant had married one Rimpy Marwaha, accused person 1, who was the daughter of accused persons 2 and 3, and sister of accused persons 4 and 5 (her bothers). When Rimpy was pregnant, she threatened the complainant that she would commit suicide. Accused persons 2 to 5 were said to have interferred in the complainant's matrimonial life. When she was 33 weeks pregnant, Rimpy had the pregnancy terminated with the help of her family and one doctor. They administered an abortive due to which the female foetus was aborted. Post-abortion complications caused her to be hospitalised. The present complaint was filed for illegally conducting the abortion and without the complainant's consent. A revision petition had been filed against the order summoning the revisionists.	Illegal - late term abortion. Consent of partner not taken.	Pregnant person and her family	33 -34 weeks	The trial of the case was pending and charges had already been framed. The discharge application thereby became infructuous. Application dismissed.	NA	Jarnail Sing
Ludhiana	Anoop Chopra vs. Priyanka Chopra @ Sonia	PBLD030507882018	13.07.2019	Disposed	First heard 03.05.2018	312	NA	NA	The case was taken up in National Lok Adalat, where the complainant's statement regarding a compromise was recorded.	NA	NA	NA	Complaint dismissed as withdrawn in National Lok Adalat	NA	Humanshu Arora
Ludhiana	Amit Saini v. Nancy	PBLD030183892017	20.09.2019	Disposed	First heard 25.05.2017	312 and 34	NA	NA	The complainant did not appear despite the case being called out. No facts given.	NA	NA	NA	Complaint dismissed in default.	NA	Sumukhi
Ludhiana	State v Manpreet Singh and Sharanjit Kaur	PBLD030386372018	15.10.2019	Disposed	Heard and disposed on the same day	498-A, 312, 315, 506, 323	Unclear	NA	The complainant, Manpreet Kaur, who was married to the accused Manpreet Singh, was harassed for dowry and subjected to forced sexual intercourse, leading to a pregnancy. The accused continued to harass the complainant, resulting in deterioration of her health. Upon seeing her condition, the doctor in the hospital had to terminate the pregnancy. The accused Sharanjit Kaur, the husband's mother, was already out on interim bail. Manpreet Singh had also been granted bail in 2019. The challan was presented, and the court had to decide on the commission of offences.	illegal	partner and inlaws of the pregnant person	2 months	The Court found there to be a prima facie case under sections 498A, 312, 315, 506, 323IPC. It committed the matter to the Sessions court since s. 315 was exclusively triable by that court.	NA	Palwinder Singh
Ludhiana	Amit Chopra v Ishita Chopra and Ors.	PBLD030660292018	19.10.2019	Disposed	First heard 17.09.2018	312	consensual	NA	Amit Chopra, the complainant, had alleged that he married accused no.1. Accused persons 2-5 are family members of the first accused. The accused wife used to pick quarrels and threatened to abort her pregnancy. When the complainant refused to shift to Shimla on his wife's demands, the accused persons informed the complainant that the accused wife had the pregnancy terminated and she did not wish to continue the relationship.	NA	Pregnant person	7 weeks	The court observed that the medical reports did show the proof of pregnancy and its subsequent absence at one point. However, there were possibilities of a natural miscarriage or an accident that caused the foetus to die. The complainant was not residing with the accused wife at the time of the miscarriage and could not have known what had happened to her. Due to the allegations being based merely on presumptions, the court did not find commission of s.312 and 315. No ground was present either for sections 120B and 506, and thus the complaint was dismissed.	NA	Servesh Singh
Ludhiana	Raman Khosla v State of Punjab	PBLD010134042020	03.09.2020	Disposed	First heard 28.08.2020	312, 313, 307, 323, 406, 498A, 120B, 420, 506, 34	Unclear	NA	Anticipatory bail application. The accused applicant was the husband of the complainant. The applicant had first married someone else and they had one son. However his wife died. The applicant then married the complainant. The complainant gave birth to one son and became pregnant five months after this immediately. The complainant accused the applicant of maltreatment and dowry demands. She accused the applicant of physically beating her when she was pregnant, and forcibly terminated the pregnancy.	unclear	Husband and in-laws of the pregnant person	NA	The court found that there to be serious allegations against the applicant. It therefore <b>denied anticipatory bail</b> .	Bail denied	Muneesh Arora
Ludhiana	Pushpinder Singh vs. Rupal Singh and Rati Pal Singh	PBLD030130922019	17.10.2020	Disposed	First heard 19.04.2019	312, 315, 120B	NA	NA	The High Court directed the case to be adjourned as the courts were only supposed to take up bail matters/urgent injunction matters.	NA	NA	NA	The final order has not been uploaded however case history shows this as withdrawn and dismissed.	NA	Hasandeep Singh Bajwa
<b>Mansa</b>															
Mansa	Sushil Kumar v. State of Punjab	PBMN010004462017	01.03.2017	Disposed	First heard 17.02.2017	312 and 376	NA	S. 67 Information Technology Act	This was an anticipatory bail application. The applicant had been accused of influencing the prosecutrix by telling her that he was a police employee. On the pretext of marrying her, he had a physical relationship with her by pressurising her. He also took gold from her. When she became pregnant, he didn't marry her, and instead took her to a clinic to get the pregnancy terminated without her consent. She eventually found out that he was married and had children.	NA	Partner of the pregnant person	NA	The court denied bail in light of the gravity of offences claimed.	NA	Sukhvinder kaur
Mansa	Vijay Kumar v. Simarjit Kaur and Ors.	PBMN010023422016	06.04.2017	Disposed	First heard 08.10.2016	312, 315, 318, 161, 162, 166, 323, 382, 506, 120B	Consent of husband not taken	NA	The original complaint herein had been dismissed. This was a revision petition against the dismissal order. The complainant alleged that his wife, parents-in-law, brother-in-law, sister-in-law and two police officials committed the alleged offences. The accused wife is said to have coerced the complainant into marrying her by threatening her own life. When she became pregnant, she was taken by her parents back home and her parents tried to terminate the pregnancy. The complainant went to get his wife back. Police action was taken against the parents-in-law and they were arrested. When let go, the accused wife once again was taken by her parents and she called the complainant to inform him they were trying to get the pregnancy terminated. The accused wife told him to meet her at the police station, which he did. However, there he was put into custody and had to give bribes to get out of jail. The accused wife made false complainants against her husband and also told him that she was no longer pregnant.	legal	Pregnant person, her family, and a two police officers	NA	No proof was shown to substantiate the charge of miscarriage. The accused wife had counterargued that the complainant had cheated on her and made dowry demands. The court did not find merit in the revision petition and dismissed it.	NA	Baljinder Singh Sra
Mansa	State of Punjab v cancellation report	PBMN030002332018	10.02.2018	Disposed	Heard and disposed in 3 days.	312 and 376	NA	S. 67 Information Technology Act	The complainant did not agree to the cancellation report presented.	NA	NA	NA	The court rejected the cancellation report and sent it back with directions for further investigation.	NA	Amrinder Pal Singh
Mansa	State of Punjab v Sushil Kumar	PBMN030000122019	08.01.2019	Disposed	First heard 02.01.2019	312 and 376	NA	S. 67 Information Technology Act	A cancellation report was submitted to the court.	NA	NA	NA	Application dismissed by way of becoming infructuous.	NA	Ashok Kumar
Mansa	State of Punjab v Unknown	PBMN030022362019	14.09.2019	Disposed	Heard and disposed in 3 days.	312, 314, 318	NA	NA	No information	NA	NA	NA	The court did not accept the untraced report. It sent it back with directions for further investigation. Matter disposed	NA	Gurpreet kaur
Mansa	Paramjit Kaur v. Savinder Singh	PBMNA10010002017	14.12.2019	Disposed	First heard 27.10.2017	312, 313, 498A, 406, 323, 120B	NA	NA	File was taken up in the Lok Adalat and a compromise had been made between the parties.	NA	NA	NA	Complaint dismissed as withdrawn.	NA	Jagjeet Singh
<b>Mans</b>															

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<b>Moga</b>															
Moga	Harpreet Kaur v Vindeerjot Singh @ Inderjit Singh	PBMO030018762017	13.12.2017	Disposed	First heard 05.09.2017	376, 493, 494, 496, 497, 312, 313, 314, 207	NA	NA	Case dismissed as withdrawn in the Lok Adalat.	NA	NA	NA	Case dismissed as withdrawn in the Lok Adalat. Case to be assigned to record room.	NA	Bikramjit Singh
Moga	State of Punjab v Amandeep Kaur	PBMOB10003722020	24.08.2020	Disposed	First heard 24.08.2020	318, 312, 315, 316, 437	NA	NA	Baill application to be dismissed as withdrawn.	NA	NA	NA	Baill application to be dismissed as withdrawn.	NA	Pushpinder Singh
Moga	State of Punjab v Amandeep Kaur	PBMO010034812020	11.09.2020	Disposed	First heard 24.08.2020	318, 312, 315, 316	No information included	NA	Bail application. The complainant found a dead foetus and reported it to the police. Upon investigation it was found that the foetus' blood sample matched that of both the accused in this case - Amandeep Kaur and Jatinder Singh. Amandeep Kaur is Rajpal Singh's wife.	Illegal - foeticide	Alleged biological mother of foetus	NA	Considering the situation created by Covid-19 no purpose will be served by detaining the applicant. Bail allowed.	Bail allowed	Jagdeep Sood
Moga	State of Punjab v Jatinder Singh	PBMO010047482020	07.12.2020	Disposed	First heard 02.12.2020	318, 312, 315, 316	No information included	NA	Bail application. The complainant found a dead foetus and reported it to the police. Upon investigation it was found that the foetus' blood sample matched that of both the accused in this case - Amandeep Kaur and Jatinder Singh. Amandeep Kaur is Rajpal Singh's wife.	Illegal - foeticide	Alleged biological father of foetus	NA	Considering the situation created by Covid-19 no purpose will be served by detaining the applicant. Bail allowed.	Bail allowed	Jagdeep Sood
<b>Mohali</b>															
Mohali	Manu Gupta v Prachi Gupta	PBSAB10005292018	16.11.2018	Disposed	First heard 21.07.2018	312	Unclear	MTP Act - Section not specified.	The pregnant person and the complainant are married. The accused conceived. She went to her mother's house a few days later and when she returned she claimed she had miscarried. When she conceived a second time, the doctor informed the complainant that the accused had terminated her first pregnancy by consuming MTP pills.	Legal. (Partner has filed the case because termination happened without their consent)	Pregnant person	6 weeks 4 days	The Court states that no intervention is required at this stage and the allegations by the complainant are vague and baseless. The complaint is dismissed. Despite noting that the issue is of the consent of the pregnant person, the court has not reiterated that the pregnant person does not require anyone's consent including their partner's.	NA	Sonali Singh
Mohali	State of Punjab v Jograj Singh	PBSA030044262020	12.12.2020	Disposed	First heard 12.12.2020	312, 313, 120-B, 109	NA	NA	Cancellation report submitted before the court.	NA	NA	NA	The complainant has stated that she has no problem if the cancellation report is accepted. The matter has been pending for 30 years, the court reasons that keeping the matter pending will be a wastage of court's resources.	NA	Amit Bakshi
<b>Patiala</b>															
Patiala	Sonia v Kala Singh	PBPTB10003432015	10.05.2018	Disposed	First heard on 10.06.2015	452, 312, 315, 323, 509, 506, 34	NA	NA	Complainant dismissed as complainant has failed to provide evidence.	NA	NA	NA	Complainant dismissed as complainant has failed to provide evidence.	NA	Pamelpreet Grewal Kahal
Patiala	Satbir Kaur v Ranjodh Singh	PBPTA10026512018	14.07.2018	Disposed	First heard 12.06.2018	498A, 406, 506, 312	NA	NA	Petition dismissed as withdrawn.	NA	NA	NA	Petition dismissed as withdrawn.	NA	Gurinder Singh
Patiala	Hardeep Singh v Mandeep Kaur	PBPTA1-005243-2017	09.05.2019	Disposed	First heard on 12.10.2017	312	NA	NA	Complaint dismissed as complainant has not deposed his testimony.	NA	NA	NA	The complaint is dismissed since the complainant has not deposed his testimony.	NA	Gurdev Singh
<b>Pathankot</b>															
Pathankot	Jyoti Bala and Anr vs Tarsem Singh and Ors	PBPO030013052013	03.05.2017	Disposed	First heard on 19.03.2015	452, 427, 312, 511, 341, 323, 325, 120-B	Forced	NA	The accused trespassed and attacked the pregnant person and her family. When the pregnant person tried to intervene, she was kicked on the womb and subsequently rushed to the hospital due to abdominal pain. The police did not take any action against the accused and the accused kept threatening the complainant that if the complaint against them was not withdrawn they would file a false case against the complainant.	Illegal - physical assault resulting in miscarriage	NA	seven months	The judge found major discrepancies in the facts. The judge also reasoned that if the accused were armed with weapons then it is unlikely the complainants would only suffer simple injuries. The case is dismissed due to discrepancies and improbabilities. The accused are acquitted.	NA	Gurjit Kaur Dhillon
Pathankot	Ranjit Singh and Anr vs State	PBPO010020652020	12.10.2020	Disposed	First heard 05.10.2020	406, 498-A, 312,323, 324	NA	NA	Application for anticipatory bail filed by the accused since the wife filed a complaint against him.	NA	NA	NA	No FIR has been registered against the accused. The anticipatory bail application becomes infructuous. The Court also ordered the police to give a two days notice to the accused in case of an arrest.	Bail has become infructuous.	Avtar Singh
Pathankot	Pawan Kumari v Yash Pal	PBPO030022292018	20.09.2018	Disposed	First heard 11.09.2018	406, 498A, 506, 312	NA	NA	Procedural order	NA	NA	NA	The applicant has to file a revision order so the current complaint is withdrawn.	NA	Kapil Aggarwal
Pathankot	Jyoti Devi vs Uttam Chand and Ors.	PBPO030014692017	25.04.2019	Disposed	First heard on 01.08.2017	312,452, 341, 427, 511, 323, 325, 120B	NA	NA	No one appeared on behalf of the complainant.	NA	NA	NA	Court dismissed the application in default of prosecution.	NA	Rajinderpal Singh Gill
Pathankot	Sujala Kumari Biswakarma Vs State.pdf	PBPO1002117 2020	30.10.2020	Disposed	First heard 08.10.2020	312, 313, 372, 373, 497, 498, 120-B, 34	NA	Section 5 of immoral Traffic Prevention Act, 1956	No facts given. Bail application by the accused.	NA	NA	NA	The accused has presented surety, and thus, her bail order is made absolute.	Bail order made absolute upon furnishing of bail bond and surety.	Avtar Singh
<b>Rupnagar</b>															
Rupnagar	Gurwinder Singh v Baljiner Kaur	PBRO030017932016	09.07.2018	Disposed	First heard 6.10.16	312, 34	NA	NA	Procedural order. No facts mentioned in interim orders.	NA	NA	NA	Complainant failed to establish prima facie case against the accused. Case dismissed.	NA	Supreet Kaur
Rupnagar	State v Jagtar Singh	PBRO03001352-2020	24.09.2020	Disposed	First heard 31.07.2020	312, 315, 316, 376	NA	NA	Procedural order. No facts mentioned in interim orders.	NA	NA	NA	Accused produced through video conferencing. To be produced on 08.10.2020 through video conferencing.	NA	Chinu Sharma
Rupnagar	State v Jagtar Singh @ Kala	PBR0030017872020	05.11.2020	Disposed	First heard 24.09.2020	376,312,315,316,506	Forced	NA	The accused was the pregnant person's neighbour. He tried to build physical relations with the pregnant person multiple times, which the pregnant person refused. In February 2020 when the pregnant person was going to her aunt's house, the accused stopped her and raped her. Subsequently, she conceived. She revealed this to the accused who administered abortive pills to her while she was 5/6 months pregnant. After taking a second dose of the pill the pregnant person experienced severe abdominal pain, after which she delivered the foetus. The foetus was born alive but stopped breathing within 2/4 minutes of birth. The pregnant person filed a complaint against the accused.	Illegal - abortive pills administered	Accused was a neighbour of the pregnant person. Pregnant person was economically marginalised - worked as a household help.	5/6 months.	The matter is committed to the Sessions Court since offences under Section 376, 315, 316 are exclusively triable by the Court of Sessions.	NA	Chinu Sharma
<b>Sangrur</b>															
Sangrur	Jatinder Singh v Daljit Kaur	PBSG01-009500-2017	14.11.2017	Disposed	First heard 03.11.2017	323, 312	NA	NA	Bail application	NA	NA	NA	Bail application withdrawn by applicant. Case dismissed.	NA	Manjot Kaur
Sangrur	Gursohan Singh Atijla and Anr. v State of Punjab	PBSG01004933-2018	13.07.2018	Disposed	First heard 19.06.2018	312, 498A, 406, 506	NA	NA	Anticipatory Bail application by the accused. The accused in this case are the husband and the in-laws of the complainant. They harassed her for dowry, allegedly subject her to domestic violence and her pregnancy was aborted due to heavy stress.	NA	NA	NA	The applicants have not complied with the orders of this court. Interim bail was granted to the applicants as per the directions of the interim order dated 25.06.2018. They are residing abroad. Accordingly, the bail application is disposed.	granted	Dr Rajneesh

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Sangrur	State of Punjab v Unknown	PBSGC10023622019	14.09.2019	Disposed	First heard on 14.09.2019.	312, 318	NA	NA	Current untraced report presented in Lok Adalat. The complainant's statement saying he is satisfied with the investigation conducted has been recorded.	NA	NA	NA	The untraced report is accepted based on the complainant's statement. File consigned to judicial records room.	NA	Jaibir Singh
Sangrur	State of Punjab v Gurbir Singh Aujla and Ors.	PBSG03-001078-2019	06.11.2019	Disposed	First heard 30.03.2019	312, 498A, 406, 405	NA	NA	Case dismissed for non-prosecution of by the High Court.	NA	NA	NA	Case dismissed for non-prosecution of by the High Court.	NA	Ajit pal Singh
Sangrur	Jobanpreet Kaur v Sarabjit Kaur	PBSG030013492016	17.12.2019	Disposed	First heard on 14.07.2016	312, 313, 323, 324	NA	NA	Complainant has withdrawn the case.	NA	NA	NA	Case dismissed as complaint withdrawn.	NA	Prashant verma
Sangrur	Kuldeep Kaur and Mandeep Kaur v State of Punjab	PBSG010034382020	15.05.2020	Disposed	First heard 12.05.2020	312, 313, 315,316	consensual	Section 23 of the PCPNDT Act	Bail application. The accused were convicted for illegally conducting the abortion services.	Legal	Midwife and ANM in Health Centre	NA	The bail application is denied and dismissed. The court does not go into the merits of the case.	Bail denied	Gurpartap Singh
Sangrur	Sukhpal Kaur v State of Punjab	PBSG010034012020	26.05.2020	Disposed	First heard 07.05.2020	312, 313, 315,316	consensual	Section 23 of the PCPNDT Act	The accused has filed an application for anticipatory bail. The applicant illegally terminated the pregnancy of her twins. The termination conducted during lockdown.	Legal	Pregnant person	NA	The court found that the applicant was not eligible for anticipatory bail at this stage due to the gravity of the offence. Application dismissed.	Anticipatory bail denied	Gurpartap Singh
<b>Shaheed Bhagat Singh Nagar</b>															
Shaheed Bhagat Singh Nagar	Amarjit v Satnam Lal	PBS-BO3-0005002013	09.01.2018	Disposed	First heard 1.10.2013	498-A,312,313,314	Forced	NA	The complainant and the accused were married and consummated their marriage. The accused harassed the complainant for dowry. She conceived in December 2011. However, the accused continued beating the complainant on her abdomen resulting in severe pain. The complainant then give birth to a still born.	Illegal - physical assault resulting in miscarriage	Accused was the husband of the pregnant person.	3/4 months	The court finds insufficient evidence to summon the accused to face trial. The complaint filed by the complainant is dismissed.	NA	Rajvinder Singh
<b>Sri Muktsar Sahib</b>															
Sri Muktsar Sahib	Sharin Kapoor and ors. v State of Punjab	PBSM010020742017	13.07.2017	Disposed	First heard 07.07.2017.	406, 420, 312, 315, 201, 120B, 380	NA	NA	The accused and the complainant were married. The complainant fell ill the next day and it was revealed that she was pregnant. The accused and the complainant went to attend a marriage in Delhi two months later. The accused was subsequently treated with cruelty, including being beaten and injuring her abdomen. The accused began bleeding. She then called the police on the emergency number 100, and was taken to the hospital. She was recommended bed rest and discharged. She was then taken to a second hospital where the ultrasound showed no foetal heartbeat. Pregnant person filed for anticipatory bail in the counter-blast case filed by the husband.	Illegal - physical assault resulting in miscarriage	Pregnant person and her family	4 months	Anticipatory bail granted by order 10.07.2017 made absolute.	Anticipatory bail made absolute.	Kishore Kumar
Sri Muktsar Sahib	Dr Archana Pathak v State	PBSM010005442018	12.03.2018	Disposed	First heard 08.02.2018	406, 420, 312, 315, 201, 120B, 380	NA	NA	The accused and the complainant were married. The complainant fell ill the next day and it was revealed that she was pregnant. The accused and the complainant went to attend a marriage in Delhi two months later. The accused was subsequently treated with cruelty, including being beaten and injuring her abdomen. The accused began bleeding. She then called the police on the emergency number 100, and was taken to the hospital. She was recommended bed rest and discharged. She was then taken to a second hospital where the ultrasound showed no foetal heartbeat. Bail application by medical practitioner.	Illegal - physical assault resulting in miscarriage	Medical Practitioner	4 months	The applicant has joined the investigation and is not required for further investigation in the present case. Her bail application is made absolute.	Bail made absolute.	Kishore Kumar
Sri Muktsar Sahib	State of Punjab v Shrain Kapoor and Ors.	PBSM030008392018	25.07.2018	Disposed	First heard 13.06.2018	406, 420, 312, 315, 201, 120B, 380	NA	NA	The accused and the complainant were married. The complainant fell ill the next day and it was revealed that she was pregnant. The accused and the complainant went to attend a marriage in Delhi two months later. The accused was subsequently treated with cruelty, including being beaten and injuring her abdomen. The accused began bleeding. She then called the police on the emergency number 100, and was taken to the hospital. She was recommended bed rest and discharged. She was then taken to a second hospital where the ultrasound showed no foetal heartbeat. Bail application by medical practitioner.	Illegal - physical assault resulting in miscarriage	Pregnant person and her family	4 months	Case admitted to the Sessions Court since cases under Section 312 and 315 are exclusively triable by the Sessions Court.	NA	Atul Kamboj
Sri Muktsar Sahib	State of Punjab v Shairan Kapoor	PBSM010027772018	10.01.2019	Disposed	First heard 04.08.2018	406, 420, 312, 315, 120B	NA	NA	The accused and the complainant were married. The complainant fell ill the next day and it was revealed that she was pregnant. The accused and the complainant went to attend a marriage in Delhi two months later. The accused was subsequently treated with cruelty, including being beaten and injuring her abdomen. The accused began bleeding. She then called the police on the emergency number 100, and was taken to the hospital. She was recommended bed rest and discharged. She was then taken to a second hospital where the ultrasound showed no foetal heartbeat. Counter-blast case filed by the husband of the pregnant person. All previous proceedings against accused quashed as per the order of the High Court. Same facts as above.	Illegal - husband not informed about termination	Pregnant person, her family and the doctor who terminated the pregnancy.	4 months	All subsequent proceedings from the matter have been quashed. The accused stand acquitted.	NA	Sukhvinder Kaur
Sri Muktsar Sahib	Teja Singh and Sukhjeet Kaur v State of Punjab	PBSM010032942020	23.12.2020	Disposed	First heard 18.12.2020	498A, 406, 312, 313, 315, 34	Unclear	NA	Bail order dated 18.12.2020 made absolute. The accused demanded dowry from the pregnant person's family during marriage. They continued to harass the pregnant person for dowry and beat her. Her tube was allegedly surgically removed without her consent.	Unclear	In-laws of the pregnant person.	NA	The applicant has joined the investigation. Thus, the bail order dated 18.12.2020 is made absolute.	Bail made absolute.	Kawaljit Singh
Sri Muktsar Sahib	Jaspreet Singh v State of Punjab	PBSM010033772020	30.12.2020	Disposed	First heard 24.12.2020	498A, 406, 312, 313, 315, 34	Unclear	NA	Bail order dated 18.12.2020 made absolute. The accused demanded dowry from the pregnant person's family during marriage. They continued to harass the pregnant person for dowry and beat her. Her tube was allegedly surgically removed without her consent. Bail made absolute.	Unclear	Husband of the pregnant person	NA	The applicant has joined the investigation. Thus, the bail order dated 24.12.2020 is made absolute.	Bail made absolute.	Kawaljit Singh

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<b>Amritsar</b>															
Amritsar	State of Punjab v Harjit Kaur and Baljinder Singh	PBAS010091762021	29.07.2021	Disposed	First heard and decided within July 2021	312, 315, 120B	Consensual	18A and 18e of the Drugs and Cosmetics Act; (152) of the Indian Medical Council Act	The two accused applicants, Harjit Kaur and Baljinder Singh filed an anticipatory bail application. Harjit was a relative of the pregnant person, and Baljinder was the husband of the pregnant person. According to the investigation record, Amrik Kaur, a midwife, had her house raided where Baljeet Kaur was found to be bleeding and had medical complications. Baljeet Kaur already had a female child and after having an ultrasound done, sought to terminate her pregnancy from Amrik Kaur. It was recorded in investigation that Harjit Kaur, the applicant herein had connived with the co-accused Baljinder, the other applicant herein to facilitate the abortion. The applicants applied for bail.	Illegal - Not conducted by an RMP	Husband and family member of the pregnant person. No mention of socioeconomic background.	NA	The Court observed that Baljinder Singh's name was not in the FIR. No abortion could take place without the husband's consent (according to the Court). However, the court also found that the two applicants have committed a heinous offence and thus denied them bail.	Anticipatory bail denied.	Daljit Singh Ralhan
Amritsar	State v Rakesh Kumar Sharma	PBAS010145212022	30.09.2022	Disposed	First heard on 26.09.2022, disposed via hearing of a bail application on 30.09.2022	312 and 377	Forced	NA	According to the complaint, the accused husband had first claimed that his wife's pregnancy was the result of an affair by his wife, the complainant. He beat her, causing her to miscarry. When the complainant became pregnant again, he forced her to consume a medicine for abortion. There were also allegations of unnatural sex and rape.	Illegal	NA	NA	As the allegations were serious and specific to the accused, the court denied anticipatory bail.	Anticipatory Bail denied.	Darbari Lal
Amritsar	Gurnam Singh v Surinder Kaur and Ors.	PBASA10017742021	01.12.2023	Disposed	First heard 10.08.2021. Case was adjourned multiple times over 2 years	312, 315, 318, 120B	NA	NA	No facts given. The case was adjourned multiple times over from 2021 to 2023 for want of preliminary evidence from the prosecution.	NA	NA	NA	Case dismissed No one turned up on behalf of the complainant several times after the case was called, due to which the court dismissed the case "in default for want of prosecution".	NA	Ankit Airi
Amritsar	State of Punjab v Amrik Kaur and Ors.	PBAS01012675023	06.08.2024	Pending	First heard on 25.07.2023. Case at the stage of charge presently	312, 315 and 120B.	Consensual	18A and 18e of the Drugs and Cosmetics Act, 152) of the Indian Medical Council Act	No facts given (Amrik Kaur is the mid wife in the Baljinder Kaur case) The case is pending before the court for consideration of the charges.	NA	NA	NA	NA	All accused on bail	Baljinder Singh
Amritsar	Mohinder Singh v Nishan Singh	PBAS010180692022	20.08.2024	Pending	First heard on 16.11.2022, appearance taking place since this date till present (lates date is July 2024)	312, 452, 323, 354A, 511, 379, 427, 506, 148, 149.	NA	NA	This was a criminal revision petition received by the court. No facts have been given. So far, only fresh notices have been issued on each date. The latest order states that the lower court's order has not been received yet.	NA	NA	NA	NA	NA	Tripat Jot Kaur
<b>Barnala</b>															
Barnala	Narinderpal v State of Punjab	PBBR01000022021	7.1.2021	Disposed	Disposed in a few days	312, 313, 498A, 323, 506, 120B	NA	NA	This was a bail application.	NA	NA	NA	Bail application dismissed as withdrawn.	Dismissed as withdrawn.	Virinder Aggarwal
Barnala	State of Punjab v Yograj Singh @ Yoga, Veerpal Kaur, Manjit Kaur and Ramesh Singh	PBBR010006822020	9.2.2021	Disposed	First heard 18.2.2020	312, 313, 120B, 457, 376	Forced	Section 6 of POCSO	The accused has allegedly committed rape on a minor 16 year old in the false pretext of marrying her. He, along with the other three co-accused also allegedly administered pills to the prosecutrix to terminate her pregnancy. However, no evidence was presented and the accused was acquitted.	Illegal	Complainant is a Minor 16 year old. Both parties are economically marginalised.	NA	The prosecution had proved that the prosecutrix was below 18 when the incident occurred, however the testimonies did not corroborate the allegation of rape. The prosecutrix and her parents also suspected that the father of Yograj had the prosecutrix's mother involved in NDPS Act related offences. The prosecutrix also wished to marry Yograj, who was reluctant because of her age. The prosecutrix and her father also gave their thumb impressions on blank papers. No medical evidence supported the allegation of abortion either. The testimony of the prosecutrix did not clarify when and what pills were given. The court concluded that this case appeared to be one used as vengeance against the accused, and that the prosecution could not prove its case.	All the accused were acquitted of the charge.	Vijay Singh Dadwal
Barnala	Kulwinder Kaur v Harpreet Singh	PBBR010012312021	20.4.2021	Disposed	First heard 15.4.2021	312, 420, 120B	NA	NA	This was an anticipatory bail application. It was submitted that the learned court had dismissed the application of the complainant under s.420 of the IPC.	NA	NA	NA	The Court noted that the accused had been summoned only under s.312, which was a bailable offence. However, a non-bailable warrant was issued. Due to this, the court granted a time limited anticipatory bail till the lapse of the warrant.	time limited anticipatory bail till the lapse of the warrant	Barjinder Pal Singh
Barnala	State of Punjab v Narinder Pal	PBBR030022512021	16.12.2021	Disposed	First heard 27.08.2021	312, 313, 323, 498A, 506, 120B	NA	NA	No details given except remand papers were put up in the case.	NA	NA	NA	The Court noted that the HC in CRM-M- 31925 of 2021 had quashed all proceedings. As a result, the proceedings of this case were directed to be dropped.	NA	Chetan Sharma
Barnala	Harpreet Singh v Kulwinder Kaur	PBBR030067452023	29.9.2023	Disposed	Heard and disposed within two days.	312, 420, 120B	NA	NA	The accused applicant was declared a proclaimed offender, and was arrested. She then applied for bail.	NA	NA	NA	The court found that the present case was a complaint case, and there was no purpose to keep her behind bars. Bail was granted at 50,000 rupees with an equivalent surety.	Bail granted on the condition of security.	Ajay Mittal
Barnala	Manpreet Kaur v. Sukhmanpreet Singh and Ors.	PBBR030051232020	29.04.2024	Disposed	First heard 9.11.2020 and adjourned repeatedly due to lack of preliminary evidence.	312, 313, 498A, 323, 506, 120B	NA	SC ST Act S. 3(1)(v)(x)	No facts available. Interim orders show that no preliminary evidence was put forth nor did the complainant show up to court.	NA	SC ST Act has applied but not facts/ evidence to substantiate the claim	NA	In the absence of the complainant, the court observed that the complainant no longer wished to pursue the matter, as as such it was dismissed for their absence and non-prosecution.	NA	Manpreet Kaur
Barnala	Gurdeep Singh v Kamaljit Kaur and Ors.	PBBR030031712022	06.07.2024	Pending	First heard 07.05.2022	312	NA	NA	No facts available. Latest order shows no court witness were present, case adjourned for 29.08.2024.	NA	NA	NA	Matter adjourned to 29.08.2024 with notice issued to the complainant.	NA	Manpreet Kaur
Barnala	State of Punjab v. Kulwinder Kaur and Ors.	PBBR030092892023	20.07.2024	Pending	First heard 13.12.2023	312, 420, 120B	NA	NA	No facts available. Interim orders show that arguments have not been advanced and adjournments were sought.	NA	NA	NA	Date given for arguments.	NA	Ajay Mittal
<b>Bathinda</b>															
Bathinda	Jeeta Ram v. Dr. Sumit Jindal	PBBT030075272019	6.1.2023	Disposed	First heard 9.10.2019, it was adjourned multiple times due to covid as well as the absence of the complainant.	312, 315, 120B	NA	NA	No facts given. Procedural history shows that the complainant did not appear to provide preliminary evidence.	NA	NA	NA	The court disposed the matter by dismissing it as the complainant did not show up on multiple dates, and had no interest in pursuing the complaint.	NA	Navreet Kaur
Bathinda	Kukko Kaur v. Gurbinder Singh and Ors.	PBBTB10007632023	11.4.2023	Disposed	First heard 3.4.2023	312, 323, 498A, 504,148,149	NA	NA	No facts provided. The complainant sought to withdraw the complaint after a compromise.	NA	NA	NA	The court dismissed the matter as withdrawn.	NA	Daleep Kumar
Bathinda	Jujhar Singh v Shreshtha Sethi	PBBT030235492023	28.5.2024	Pending	First heard 3.11.2023	312, 380, 406, 427	NA	NA	In this matter, on the first hearing, the court found no ground for the registration of a case under the offences. However it directed for the matter to be treated as a criminal complaint under s.200 CRPC.	NA	NA	NA	Preliminary evidence of Complainant ongoing.	NA	Sandeep Kumar
<b>Faridkot</b>															
														NA	Jasmine



Faridkot	State v Hina Sharma	PBFD030039382021	28.10.2021	Disposed	First heard 09.09.2021	312 and 120B	Consensual	NA	A complaint had been filed against Hina Sharma and Dr. Raminder Narang. Hina Sharma, a BDS Doctor herself, had been married to the complainant, Sahib Chand Sharma. When the complainant refused to live in the city, Hina 'illegally' aborted the foetus without his consent. An application was filed requesting permission to investigate the matter	Legal (complaint made as it was done without the permission of the husband)	Pregnant person and a doctor	NA	The Court noted that sanction from the magistrate was not sought before registering the FIR, and the Investigating Agency sought to cover up this lapse by seeking ex post fact permission. The court accordingly dismissed the application as there was no merit to it.	NA	Ajay Pal Singh	
Faridkot	State v. Unknown	PBFD030049052021	11.12.2021	Disposed	First heard 13.10.2021	312, 318, 34	NA	NA	The matter was taken up in the National Lok Adalat. An untraced report was presented to the court as well. The complainant did not object to this.	NA	NA	NA	The Court accepted the untraced report with the condition that the matter would revive if relevant information was found.	NA	Sanjeev Kundi	
Faridkot	Rajkiran Kaur v Bhupinder Singh and Ors.	PBFD030053462021	12.03.2022	Disposed	First heard 11.11.2021	312, 411, 506, 354, 354A, 420, 120B	NA	NA	No details given. File was taken up in the National Lok Adalat	NA	NA	NA	The case was dismissed as withdrawn.	NA	Prashant Verma	
Faridkot	Prem Maini v Anne and Ors.	PBFD030024212018	23.03.2022	Disposed	First heard 06.12.2018. Adjourned many times due to covid and non-covid related reasons.	312, 420, 465, 467, 468, 471, 120B, 506	NA	NA	The complainant withdrew the case.	NA	NA	NA	The case was dismissed as withdrawn.	NA	Ajay Pal Singh	
Faridkot	State v. Unknown	PBFD030033522020	02.07.2022	Disposed	First heard 25.11.2020	312 and 315	NA	NA	An untraced report was presented to the court. The complainant, Inspector Chiman Lal, had passed away and no one came on his behalf. As part of the original complaint, it was stated that someone had abandoned a human foetus in a drain. The Investigating Agency did not make any real effort to find the person responsible for this.	Illegal - Human foetus was found abandoned in the drain	NA	NA	Untraced report is returned back for further investigation.	NA	Ajay Pal Singh	
Faridkot	State v Hina Sharma and Ors.	PBFD030021032023	10.07.2023	Disposed	First heard 20.04.2022	312 and 120B	Consensual	NA	A cancellation report was presented by the police to the court as the offences were non-cognizable. The complainant had also moved a separate complaint on the same facts.	Legal (complaint made as it was done without the permission of the husband)	Pregnant person, her family and a doctor	NA	The Court found that the complainant had already availed an alternate remedy in a private criminal complaint and the police did not find the allegations proved during the investigation. The Court accepted the cancellation report.	NA	Ajay Pal Singh	
Faridkot	Sahib Chand Sharma v Hina Sharma and Ors	PBFD030041792022	29.07.2023 (interim order) and 29.05.24 (final order)	Disposed	First heard 04.08.2022	312, 313, 379, 406, 120B	Consensual	NA	The complainant filed a complaint against Heena Sharma, Ved Parkash Sharma, Kushaldeep Sharma @ Honey Sharma and Dr. Raminder Narang. According to an interim order dated 29.07.2023, the court found sufficient grounds and circumstances to prima facie for the commission of offences against the accused parties. In the final order, the complainant had failed to conclude his pre charge evidence, and he ultimately submitted that he wanted to close this stage as he had entered into a compromise with the accused. The court decided on whether the accused could be discharged.	Legal (complaint made as it was done without the permission of the husband)	Pregnant person, her family and a doctor	NA	The Court found no incriminating evidence and discharged all the accused as a compromise was reached.	Accused parties were discharged.	Ajay Pal Singh and Chandan	
Faridkot	Krishnan Kumar v Preeti Sharma	PBFD030032012021	9.12.2023	Disposed	First heard 12.08.2021	312, 379, 120, 148, 149	NA	NA	No details given. File was taken up in the National Lok Adalat	NA	NA	NA	The case was dismissed as withdrawn.	NA	Monika Lamba	
<b>Fatehgar Sahib</b>																
Fatehgar Sahib	Gaganpreet Singh v Manvir Kaur and Ors.	PBFG030052172021	11.10.2022	Disposed	First heard 16.11.2021	312, 318, 406, 420, 506, 107, 120B	NA	NA	The complainant did not appear despite the case being called out.	NA	NA	NA	The court dismissed the case as the complainant did not seem to want to pursue the complaint.	NA	Dipti Goyal	
Fatehgar Sahib	Lakhwinder Kaur v Kulwinder Singh	PBFGA10012592020	25.07.2024	Pending	First heard 22.06.2020. Matter adjourned multiple times on request of the complainant.	312, 313, 341, 307, 506, 452, 509, 188	NA	NA	No information given.	NA	NA	NA	Matter adjourned for preliminary evidence on next date	NA	Khyati Goyal	
<b>Fazilka</b>																
Fazilka	Juginder Singh and Dalip Kaur v State of Punjab	PBFZC20002112021	14.01.2021	Disposed	Heard and disposed on the same day	312, 323, 149, 498A	NA	NA	The accused applicants had put an application for surrender and bail.	NA	Parent in laws of the applicant	NA	The court found that both the accused had surrendered and joined the investigation. Thus, <b>bail was granted</b> on personal bonds and surety of INR 20,000 each and other conditions.	Bail granted	Insan	
Fazilka	Sahil Shoda v Sheenu Arora and Ors.	PBFZC20034892020	25.02.2021	Disposed	First heard 27.10.2021	312, 452, 379-B, 506, 201, 166-A, 217, 120-B	NA	NA	The complainant sought to withdraw the complaint after a compromise was effectuated with the help of the panchayat. Preliminary evidence was pending since the date of institution of the complaint	NA	NA	NA	Court dismissed the case as withdrawn.	NA	Amit Kumar Garg	
Fazilka	State of Punjab v. Sukhwinder Singh	PBFZC20031502020	26.02.2021	Disposed	First heard 24.09.2020	312, 323, 149, 498A	NA	NA	The challan had not been presented till date.	NA	NA	NA	The court dispensed with the appearance of the accused persons till the challan was presented and disposed the matter.	NA	Insan	
Fazilka	Sandeep Kumar v. State of Punjab	PBFZC00048042021	20.09.2021	Disposed	First heard 26.07.2021	312, 313, 314, 506, 120-B, 376D	Forced	NA	This was a regular bail application. The prosecutrix had submitted that when she was at the house of the one of the four co-accused persons, the four co-accused persons raped the prosecutrix and threatened her if she disclosed the incident. Two of the co-accused persons thereafter took her to the shop of Dr. Sandeep Kumar, the applicant herein. They were accompanied by the applicant's wife, Dr. Surjit Kaur, and some other female person. At the applicant's clinic, they terminated the prosecutrix's pregnancy but she was in severe pain as a result. She was thereafter dropped off, and she then reported this to her aunt and mother. An FIR came to be filed under 312, 313, 506, 120B, and 376 IPC. The co-accused and Dr. Surjit were tried by the Sessions Judge. Dr. Sandeep absconded for five years and was only arrested two years after his wife was convicted. The accused applicant herein was however, was absent for five years and arrested two years after being convicted. The applicant submitted that he had not been accused of taking part in the rape. The third woman present during the abortion was also missing. No direct allegation was made against the applicant.	Illegal - pregnancy terminated without the pregnant person's consent.	Doctor who terminated the pregnancy	Information not given	While the allegations of rape were not attracted against the applicant, he was accused of officiating the abortion and had evaded prosecution so far. <b>He was therefore denied bail.</b>	Bail denied	Tarsem Mangla	
Fazilka	Surjit Kaur v. State of Punjab	PBFZC20040992021	21.12.2021	Disposed	Heard and disposed on the same day	312, 313, 314, 506, 120-B, 376D	Forced	NA	The prosecutrix submitted that when she was at the house of the one of the four co-accused persons, the four co-accused persons, including the applicant, raped the prosecutrix and threatened her if she disclosed the incident. Two of the co-accused persons thereafter took her to Dr. Sandeep Kumar. They were accompanied by Dr. Surjit Kaur and some other female person. At the clinic, they terminated the prosecutrix's pregnancy but she was in severe pain due to an incomplete abortion. She was thereafter dropped off, and she then reported this to her aunt and mother. They took her to a nursing home where she delivered a dead foetus. The accused applicant put up papers for furnishing of bail bonds as per the order of the HC, which suspended the sentence of the accused applicant on furnishing of bail bonds.	Illegal - pregnancy terminated without the pregnant person's consent.	Information not given	Information not given	The Court directed for furnishing of Rs. 1,00,000 to be furnished with one surety and release warrants to be issued.	Application allowed	Ravi Gulati	
Fazilka	State v Tara Singh and Ors.	PBFZB10025782021	13.01.2022	Disposed	First heard 28.01.2021	312, 313, 323, 354, 34	NA	NA	Cancellation report of case filed under Section 312.	NA	NA	NA	The cancellation report is accepted since the medical opinion does not show whether the abortion of the complainant took place due to the illegal act of the accused or due to other reasons.	NA	Vakeelan Bibi	

Fazilka	Juginder Singh and Dalip Kaur v Ranjeet Kaur	PBFZC00017212022	06.05.2022	Disposed	First heard 22.04.2022	312, 323, 149, 498A	Forced	NA	This was an anticipatory bail application. The original complaint case had been filed under sections 406, 498A, 323, 325, 452, 313, 314, 315, 148, 149 IPC. The accused applicants herein were however only summoned under 312, 323, 498A and 34 IPC. The complainant had stated that she had been married to the first accused. Accused persons 2-7 were her mother-in-law, father-in-law, brother-in-law, two sisters-in-law, and a maternal uncle of her husband's brother-in-law. After the marriage, the accused persons harassed and beat the complainant demanding <i>Sridhan</i> . When the complainant's parents convened a panchayat, her husband and his parents assaulted the complainant and made her miscarry. When the complainant's brothers tried to intervene, they were also assaulted. Although a police complaint was made, no action was taken, so a private complaint was brought by the complainant. Two of the seven accused applied for anticipatory bail.	Illegal - Alleged physical harm resulting in miscarriage	Mother-in-law and father-in-law	2/3 months	The Court observed that the complainant did not contest the application despite being served. The accused applicants had also been summoned by the trial court and were ready to face trial. The court therefore, <b>granted bail to them.</b>	Application allowed	Jatinder Kaur
Fazilka	Sukhdev Singh @ Gagan v. State	PBFZC20006162023	16.02.2023	Disposed	Heard and disposed on the same day	312, 313, 314, 506, 120b, 376D	NA	NA	The accused applicant put up papers for furnishing of bail bonds as per the order of the HC.	NA	NA	NA	The Court directed the applicant to furnish personal bail bonds of Rs. 50,000 with one surety.	NA	Ravinderjit Singh Bajwa
Fazilka	State of Punjab v Sukhwinder Singh	PBFZC20029032021	02.09.2023	Disposed	First heard 28.09.2021	312, 323, 34, 498A	NA	NA	The court received an order from the HC quashing the FIR.	NA	Husband of the applicant	2-3 months	The court acquitted the accused persons of all charges framed.	Bail granted	Praveen Singh
Fazilka	Balwinder Singh v Inderjeet Kaur and Ors.	PBFZB10017802019	07.09.2024	Pending	First heard 05.12.2019	312, 382, 494, 420, 465, 467, 468, 471, 506, 120B	Consensual	NA	As per interim order dated 02.09.2021 the accused and the pregnant person were married. They belonged to different castes. The pregnant person's family did not approve of the marriage. In May 2015, accused no. 2 to 5 came to the complainant's house. They beat up the pregnant person and forcibly took her. The complainant filed a habeas corpus but the pregnant person appeared before the court and claimed she did not want to live with the complainant. The complainant was also subsequently informed about the pregnant person's abortion. Thereafter, the pregnant person illegally married accused no.2 and gave birth to a child. The complainant has filed the case against the pregnant person and her family. The current order is a procedural order.	Unclear	Pregnant person and her family	Unclear	Accused to be summoned. Case adjourned	NA	Harmilanjot Kaur
Fazilka	Ashok Singh @ Shoki v. State of Punjab	PBFZC20012862024	18.04.2024	Disposed	Heard and disposed on the same day	312, 313, 314, 506, 120-B, 376D	Forced	NA	The prosecutrix submitted that when she was at the house of the one of the four co-accused persons, the four co-accused persons, including the applicant, raped the prosecutrix and threatened her if she disclosed the incident. Two of the co-accused persons thereafter took her to Dr. Sandeep Kumar. They were accompanied by Dr. Surjit Kaur and some other female person. At the clinic, they terminated the prosecutrix's pregnancy but she was in severe pain due to an incomplete abortion. She was thereafter dropped off, and she then reported this to her aunt and mother. They took her to a nursing home where she delivered a dead foetus. Accused applicant had moved an application for furnishing bail bond as per the order of the HC. However, due to a lack of surety, the bail bonds could not be furnished.	Illegal - pregnancy terminated without the pregnant person's consent.	Information not given	Information not given	The court directed to put up the application as and when the bail bonds could be furnished.	The court directed to put up the application as and when the bail bonds could be furnished.	Tejpratap Singh Randhawa
<b>Ferozepur</b>															
Ferozepur	Kulwinder Singh v Mankirat Kaur	PBFZD10003602020	09.01.2024	Disposed	First heard 02.09.2021, it was then adjourned due to the complainant's absence.	312 and 120B	NA	NA	The complainant remained absent despite multiple adjournments.	NA	NA	NA	Court dismissed the application in default of prosecution.	NA	Lovepreet Kaur
Ferozepur	State of Punjab v Gurinder Singh and Ors.	PBFZ030020342024	14.08.2024	Pending	First heard 01.04.2024	312, 302, 120B	NA	25, 54, and 59 of the Arms Act	As per the latest interim order, the Court issued production warrants for the accused persons Gurinder Singh and Kirishan Kumar. As for the accused Arashdeep, he evaded summons or warrants.	NA	NA	NA	The court directed for summons via proclamation under 82 CrPC for Arashdeep. Production warrants for Deepak Kumar, Charanjit Singh and Nishan Singh also issued.	NA	Harpreet Kaur
<b>Gurdaspur</b>															
Gurdaspur	Taljeet Singh v Baljinder Kaur	PBGD030043042020	26.07.2022	Disposed	First heard 22.09.2020	312, 313	NA	S. 5 MTP Act	The complainant did not appear despite the case being called out. No facts given.	NA	NA	NA	Court dismissed the complaint in default of prosecution.	NA	Madan Lal
Gurdaspur	Sandeep Kaur v Sharanjit Singh	PBGD030032692020	04.01.2023	Disposed	First heard 29.07.2020. Case adjourned multiple times at request of complainant.	312, 313, 498A, 406, 323, 324, 506, 120B and 34	NA	S. 3 and 4 of SC/ST Prevention of Atrocities Act	The complainant did not appear despite the case being called out. No facts given.	NA	NA	NA	Court dismissed the complaint in default of prosecution.	NA	Parneet Kaur
Gurdaspur	Monika Devi v. Narinder Kumar and Ors.	PBGD030075682023	09.07.2024	Pending	First heard 25.10.2023	312, 313, 315, 316, 318, 406, 498A, 500, 506, 120B	NA	NA	The complainant requested to adjourn the matter for preliminary evidence. No facts given.	NA	NA	NA	Court adjourned the matter.	NA	Rajesh Ahluwalia
Gurdaspur	Swati Pathania v State of Punjab	PBGD010056422024	26.07.2024	Disposed	First heard 16.07.2024	312, 315, 316	Consensual	NA	This was an application under the new criminal code for anticipatory bail. The applicant was the accused pregnant person who had "illegally" terminated her pregnancy without her husband's consent. There was an ongoing matrimonial dispute for divorce between the husband complainant and the accused wife.	Legal - consent of the husband not taken.	Accused: pregnant person	Not given	The court denied bail as the as she was accused of "illegally" terminating her own pregnancy without seeking her husband's consent.	Bail denied	Baljinder Sidhu
<b>Hoshiarpur</b>															
Hoshiarpur	State of Punjab v Gurpreet Singh @ Gopi	PBHOB10000162023	03.03.2023	Disposed	Heard and dismissed on the same day	312	NA	NA	The case against Gurpreet Singh involved causing miscarriage. The court was presented the challan and it directed for issuing a production warrant, and the case was subsequently disposed of.	NA	NA	NA	Accused to be produced from jail on next date of hearing	NA	Jagmeet Singh
Hoshiarpur	State of Punjab v Vishal Sethi@ Shara	PBHOB10003982021	03.03.2023	Disposed	First heard 03.03.2021	312, 323, 341, 452, 427, 148, 149, 312	NA	NA	The accused, Vishal Sethi, was involved in a case of causing miscarriage. The court was presented the challan. It issued a production warrant, eventually disposing of the case.	NA	NA	NA	Accused to be produced from jail on next date of hearing	NA	Jagmeet Singh
Hoshiarpur	Varinder Singh v State of Punjab	PBHO010019732023	16.03.2023	Disposed	First heard 16.03.2023	452, 341, 323, 312, 427, 148, 149	Forced	NA	This was an anticipatory bail application. The complainant's sister was not maintained by her husband, due to which she moved back home. The complainant's sister was given a house near the familial home. One day, the complainant's sister went with one Gopi to the police station. Gopi wanted forcible possession of the house given to the complainant's sister. Gopi, along with 10 to 11 other persons, came armed with baseball bats and assaulted the complainant and damaged his cars and property. The accused applicant applied for bail, stating that his name had not been mentioned in the FIR. His name had been mentioned in the final report based on an alleged confessional statement.	Illegal - physical assault resulting in miscarriage.	NA	NA	Bail granted. The court found that custodial interrogation was not required.	Bail granted.	Sandeep Singh Jossan
Hoshiarpur	State v Jaspreet and Anr.	PBHOB10004422023	18.03.2023	Disposed	First heard 09.03.2023	323, 341, 452, 427, 148, 149, 312, 201	Forced	NA	The accused persons Jaspreet and Jaskaran Singh, along with other persons formed an unlawful assembly and attacked the complainant and his wife. As a result of the physical assault, the complainant's wife, who was pregnant, suffered a miscarriage. Bail was granted to the accused.	Illegal - physical assault resulting in miscarriage.	NA	NA	Bail granted. The court observed that Jaskaran and Jaspreet Singh were not habitual offenders who would have an influence on the witnesses or evidence. Bail granted on bonds of Rs. 35000 each with one like surety	Bail granted. Bonds of Rs. 35000 each with one like surety to be furnished.	Jagmeet Singh

Hoshiarpur	Sharanpreet Kaur v Simranjit Singh and Ors.	PBHOA10021112021	07.10.2023	Disposed	First heard 07.01.2022	312, 313, 326, 342, 346, 365, 367, 120B	Forced	NA	The pregnant person was harassed by her husband and in-laws for dowry. They used to beat her regularly as well. When she became pregnant, they gave her medication under the pretext of vitamin tablets, causing her to become semi-unconscious. They took her in this state to an unknown lady in an unknown building where she was administered medication that caused her to lose vision and hearing partially, and which led to an abortion without her consent. She was unable to move from the bed for 25 days. She was ultimately thrown out of the house, where she informed her parents of the incident. The FIR was initially only under s. 498A. A complaint was filed to the SHO and DSP regarding the lack of charges in the FIR. Before the court, the court had to decide on whether the accused persons could be summoned.	Illegal - abortion conducted by unknown person in unknown place without the pregnant person's consent.	Husband, in-laws, and an unknown person/female doctor	3 months	Case dismissed due to insufficient evidence. The court observed that while the complainant's allegations were corroborated by the independent witnesses, none of these were eye-witnesses. Their statements were verbatim, raising a concern about being tutored. Moreover, the medical examination after the alleged incident was done one and a half years later, and on such, the opinion of undergoing an abortion was not reliable. It therefore found no ground to proceed with the complaint nor summon the accused.	NA	Neelam
Hoshiarpur	Ankit Pathak v. State of Punjab	PBHO010006542024	29.01.2024	Disposed	First heard 18.01.2024	312, 376	Consensual	Section 4 of POCSO	This was a bail application u/s 439 CrPC. Per the police record, an inspector received information from a hospital that an unmarried girl had terminated her pregnancy. The prosecutrix was 17 years old. One year ago, she met the accused applicant, a 19 year old at the time of this application, online. The two developed a consensual physical relationship but she conceived from this. The accused was ready to marry her, but as she was a minor, the prosecutrix wished to terminate the pregnancy. The accused brought her an abortion kit that caused her pain. She was brought to the hospital where she delivered a child that was born dead. She had stated that she did not wish to take action against the accused, and that she wanted to marry him upon turning 18, as their relationship was consensual.	Illegal - termination of a minor's pregnancy.	The accused is the pregnant person's partner.	Information not given	The court found that the accused had already been arrested and nothing had to be recovered from him. The court granted bail on a bond of 1 lakh and one like surety, with other conditions.	Bail granted. Bond of 1 lakh and one like surety to be furnished.	Anjana
Hoshiarpur	State of Punjab v. Ankit Pathak	PBHO010112002023	02.03.2024	Disposed	First heard 18.12.2023	312 and 376	Consensual	Section 4 of POCSO	The challan had been presented against the accused. The court disposed the application with directions.	Illegal - termination of a minor's pregnancy.	The accused is the pregnant person's partner.	Information not given	The court directed that the remand papers be attached with the main case and disposed.	NA	Anjana
Hoshiarpur	State of Punjab v Satish Kumar Sharma and Ors.	PBHO010090892022	08.05.2024	Pending	First heard 06.12.2022	323, 312, 201, 34	NA	S. 3(1)(R) and 3(1)(S) of SC/ST (Prevention of Atrocities) Act	The accused is alleged to have caused a miscarriage while also facing charges of harassment under the SC/ST Act. The charges have been framed, and the trial is ongoing.	NA	NA	NA	Accused pleads not guilty. Trial ongoing. Prosecution's witnesses were to be summoned for the next date.	NA	Jaswinder Sheemar
Hoshiarpur	Vishal Sethi v. State of Punjab	PBHO010039782024	14.05.2024	Disposed	First heard 22.04.2024	312, 323, 341, 452, 427, 201, 148, 149	NA	NA	The final order pertains to the withdrawal of the bail application by the accused person, as the bail order had not been cancelled. An interim order of 02.05.2024 mentions that the trial for this matter was pending before another court, and that the record of the trial court was summoned for the present court.	NA	NA	NA	Bail application withdrawn.	Dismissed as withdrawn.	Dr. Ajit Airi
Hoshiarpur	Rohit Kareer v Kriti and Ors.	PBHO030117602023	29.07.2024	Pending	First heard 13.12.2023	312, 34	NA	Section 3 MTP Act	No facts given in the interim orders. The latest interim order is an adjournment of preliminary evidence.	NA	NA	NA	Pending for preliminary evidence	NA	Sarabjeet Kaur
Hoshiarpur	State of Punjab v Gurpreet Singh @ Gopi and Ors.	PBHOB10004212023	03.08.2024	Pending	First heard 03.03.2023	312, 452, 341, 323, 427, 148, 149, 201	NA	NA	The accused persons Gurpreet and Lovepreet were produced on VC as per the latest order.	NA	NA	NA	The Court directed them to be produced again on the next date and to have the challan and other documents sent to them.	NA	Jagmeet Singh
Hoshiarpur	Paramjot Kaur v Randeep Pal Singh and Ors.	PBBOB10006232024	06.08.2024	Pending	First heard 16.05.2024	312, 498A, 406, 506, 323, 511, 34	NA	NA	The case involves a charge of causing a miscarriage. The complaint has been registered, and the preliminary evidence is ongoing.	NA	NA	NA	Pending for further preliminary evidence	NA	Gursher Singh
Hoshiarpur	Sharanpreet Kaur v Simranjit Singh and Ors.	PBHO010101812023	16.08.2024	Pending	First heard 17.11.2023	312, 313, 326, 342, 346, 365, 367, 120B	Forced	NA	The pregnant person was harassed by her husband and in-laws for dowry. They used to beat her regularly as well. When she became pregnant, they gave her medication under the pretext of vitamin tablets, causing her to become semi-unconscious. They took her in this state to an unknown lady in an unknown building where she was administered medication that caused her to lose vision and hearing partially, and which led to an abortion without her consent. She was unable to move from the bed for 25 days. She was ultimately thrown out of the house, where she informed her parents of the incident. The FIR was initially only under s. 498A. A complaint was filed to the SHO and DSP regarding the lack of charges in the FIR. Before the court, the court had to decide on whether the accused persons could be summoned. The case was at the stage of filing respondent's reply.	Illegal - abortion conducted by unknown person in unknown place without the pregnant person's consent.	Husband, in-laws, and an unknown person/female doctor	NA	The court adjourned the case as the respondents sought to request for condonation of delay in filing their reply	NA	Neelam
Hoshiarpur	State of Punjab v Ankit Pathak	PBHO010017782024	23.08.2024	Pending	First heard 19.02.2024	376, 312, 201	Consensual	Section 4 of POCSO	As per the latest interim order, the statement of the accused person was recorded under s. 313 CrPC. The case was adjourned for the defence's evidence.	Illegal - termination of a minor's pregnancy.	The accused is the pregnant person's partner.	Information not given	Case adjourned for the defence's evidence.	NA	Krishnan Kumar Singla
<b>Jalandhar</b>															
Jalandhar	Ankit Bharadwaj v Vandana	PBJL030099512019	12.03.2022	Disposed	First heard 22.05.2019	312 and 34	NA	NA	The case was withdrawn and dismissed before Lok Adalat.	NA	NA	NA	Case dismissed as withdrawn before Lok Adalat	NA	Gurkiran Singh
Jalandhar	Bahadur Singh v Pooja	PBJL010131852019	23.03.2022	Disposed	First heard 17.05.2019	312	NA	NA	The revision petition was dismissed as withdrawn after the parties reached a compromise.	NA	NA	NA	Revision petition dismissed due to withdrawal	NA	Varun Nagpal
Jalandhar	Gourav Ghai v Jyoti Ghai @ Jyoti Sharma	PBJL030120132021	12.08.2022	Disposed	First heard 06.09.2021	312, 315, 120-B	Not clear	NA	The complainant, a doctor from a Scheduled Caste, was married to the pregnant person, who, along with her family, began harassing him for money. There were allegations that the complainant also used casteist slurs. After the pregnant person experienced abdominal pain, her family forcibly took her away from the complainant, illegally detained her, and she had her pregnancy terminated without informing him.	NA	Family of the pregnant person and the pregnant person	NA	Complaint dismissed due to insufficient evidence.	NA	Ravinder Singh Rana
Jalandhar	Bahadur Singh v Pooja	PBJLA10016852018	13.08.2022	Disposed	First heard 08.05.2018	312, 420, 201, 120B	Consensual	NA	As per an interim order dated 16.03.2019, the complainant had married accused no. 1, Pooja. Accused no. 2-5 were her family members. On their wedding night, Pooja did not consummate the marriage as she had been forced into the marriage by her parents. She used to visit her parental home often, when she one day came back with abdominal pain. An ultrasound showed that she was 6-7 weeks pregnant. However, she had gotten married less than one month before this. Pooja admitted that she was in a relationship with someone else before she was forced into the marriage. 10 days later, Pooja's family got her pregnancy terminated. The complainant reported the matter to the police however no action was taken. A counter FIR was filed against the complainant and his family, due to which the present complaint was filed. The court ultimately summoned only accused No. 1 under sections 312 and 201. As per the final order, the case was dismissed as both parties reached a compromise and the complaint was withdrawn.	Legal	Pregnant person and her family	7-8 weeks	Complaint dismissed due to compromise	NA	Tanveer Singh
Jalandhar	Kajal v Kirandeep Singh @ Karan Momi and Anr.	PBJL030055952021	20.09.2022	Disposed	First heard 16.04.2021	312	NA	NA	The pregnant person filed a complaint, and the court directed her to file a list of witnesses.	NA	NA	NA	Case treated as a complaint	NA	Shilpa Singh
Jalandhar	Anmol Arora v Amrisha Sareen and Ors.	PBJL030146202020	24.01.2023	Disposed	First heard 30.09.2020	312 and 34	NA	NA	The complainant withdrew the complaint as a compromise had been sought.	NA	NA	NA	Complaint dismissed due to withdrawal	NA	Shagun

Jalandhar	Indra Rani alias Nathli v State of Punjab	PBJL010051602023	28.04.2023	Disposed	First heard 17.04.2023	420, 312, 511, 120-B	NA	Section 15 (2), 12 of Indian Medical Council Act	Indra Rani, the accused applicant, is said to have provided abortion services from her house without possessing a valid medical license. A raid was conducted, and she was arrested. Bail was granted subject to her providing surety bonds.	Illegal - untrained abortion provider	Abortion provider	Untrained abortion provider	<b>Bail granted</b> subject to surety bonds	Bail granted subject to furnishing surety bonds.	Rajnish Garg
Jalandhar	State of Punjab v Untraced	PBJL030002102024	04.01.2024	Disposed	First heard 04.01.2024	312, 279, 304A	NA	NA	An untraced report was filed in the case, and the complainant was satisfied with the report. The report was accepted by the court, and the case was dismissed.	NA	NA	NA	Untraced report accepted, case dismissed	NA	Karanvir Singh Maju
Jalandhar	Kajal v Kirandeep Singh and Ors.	PBJL030341852022	08.07.2024	Pending	First heard 20.09.2022	312, 313, 376, 363, 366, 354, 420, 341, 328, 120B	Forced	NA	According to the first order dated 20.09.2022, the applicant knew accused no.1, and accused no. 1 had promised to marry her. The applicant at this time was 16.5 years old. Accused no.1 called the applicant to a restaurant where he offered her a drink, which caused her to feel drowsy. Accused no.1 took her to a hotel where he raped her. He then repeatedly raped her on different occasions by threatening that he would release intimate photos of her. She conceived as a result of this, but the accused had her pregnancy terminated using abortive medicines. The accused continued to rape the applicant, and the accused brother, accused no.2, also molested the applicant and threatened her not to insist to marry the first accused. No police action was taken, so the present complaint was made. The court took cognisance of the matter. The latest order shows that the personal appearance of the complainant was exempted for the day, and the case was adjourned for preliminary evidence.	Illegal - non-consensual termination. Pregnant person was minor.	Persons who raped the pregnant person	NA	Case adjourned for preliminary evidence	NA	Babita
<b>Kapurthala</b>															
Kapurthala	Lachman Singh @ Tinku v State of Punjab	PBKPO30007722021	16.03.2021	Disposed	First heard 18.02.2021	312,384,120B	NA	NA	Application filed for releasing vehicle since the applicant requires it for personal use.	NA	NA	NA	Bike to be released upon furnishing of INR 35,000 and one surety. Applicant to alienate, destroy or mutilate vehicle. Vehicle to be kept intact during the pendency of the case.	NA	Monika Lamba
Kapurthala	Gyanendra Singh v Babita Singh	PBKPB10031342023	06.06.2024	Pending	First heard 11.10.2023. Next hearing 03.09.2024.	312, 120B	NA	NA	No preliminary evidence of the complainant present. Case adjourned.	NA	NA	NA	No preliminary evidence of the complainant present. Case adjourned for 03.09.2024.	NA	Servesh Singh
Kapurthala	Maninder Kaur v Sarita and Ors.	PBKPA10070462023	25.07.2024	Pending	First heard 23.11.2023. Next hearing 19.09.2024.	312,315,120B	NA	NA	Case adjourned for next date. No facts mentioned in interim orders.	NA	NA	NA	No court witness is present. The court case is adjourned for 23.08.2024	NA	Surekha Dadwal
<b>Ludhiana</b>															
Ludhiana	Charanpreet Kaur v. Varinder Jang	PBLD030167272017	25.03.2021	Disposed	First heard 12.06.2017	312, 313, 451, 323, 325, 382, 295A	NA	NA	The complainant withdrew the case due to a compromise. No other facts given.	NA	NA	NA	The case was dismissed as withdrawn.	NA	Aarti Sharma
Ludhiana	Shiva Verma v. Ashok Kumar and Asha	PBLD030311712019	14.05.2022	Disposed	First heard 03.09.2019	312	NA	NA	The complainant submitted a statement to withdraw the case.	NA	NA	NA	Complaint dismissed as withdrawn.	NA	Sumit Garg
Ludhiana	Kirandeep Kaur vs. Kulwant Singh and Ors.	PBLD030439212019	21.05.2022	Disposed	First heard 19.11.2019	312	NA	NA	The case was dismissed in default due to the complainant's non-appearance.	NA	NA	NA	Complaint dismissed in default	NA	Varun Deep Chopra
Ludhiana	State v. Amrit Singh	PBLD010112152022	17.06.2022	Disposed	First heard 08.06.2022	312, 313, 420, 120B, 353, 341	NA	S. 3A, 3B, 5, 6, 23, 25 of PCPNDT Act	The accused and his mother were found present by the police at their clinic during a raid. An ultrasound machine and tools of MTP were found as well. The accused has filed for a bail.	NA	Son of the clinic owner	NA	The court dismissed the bail application given the accused's role and the gravity of the offence.	Bail denied	Harbans Singh Lekhi
Ludhiana	Chhinderpal Singh vs. Dharampreet Kaur and Ors.	PBLDB10015252021	22.08.2022	Disposed	First heard 31.03.2021, complainant did not show up on multiple dates.	312, 315, 120B	NA	NA	The complainant did not show up and the summons issued was not received back.	NA	NA	NA	The complaint was dismissed in default for want of prosecution.	NA	Suman Pathak
Ludhiana	Dr. Sheetal Garg v. Dr. Harkirat Gill and Ors.	PBLD030018092017	22.11.2022	Disposed	First heard 07.20.2017	312, 120B, 34	Consensual	S. 5 MTP Act And the MTP Rules	Dr. Sheetal Garg, the complainant, filed a complaint against 5 persons under the offences. The complainant was married to accused person 1, Dr. Harkirat. The complainant found that his wife and accused person 2 were having an affair. A separate complaint under 497 IPC was pending for this. Due to the relationship between accused person 1 and 2, the accused wife conceived. In connivance with two other accused doctors, the pregnant person terminated her pregnancy voluntarily. Accused 3 - 5, the doctors who ran the hospital concerned, did not take any consent form as required by the MTP Rules. No record of other patients had been kept by the hospital either for MTP purposes. Accused person 1 had moved away from her husband and a divorce case was pending with them. The complainant accused them of coercing the IO into recording that no action could be taken against the termination that was done out of free will. As the conception was a not a result of failure of contraceptives between accused person 1 and the complainant, the MTP could not have been done.	Legal - consent of the husband not taken	Pregnant person, her partner, and the doctors terminating the pregnancy	NA	<b>The court found that the husband had to show that the pregnancy was terminated without his consent.</b> No such evidence was submitted. The court discharged Harkirat Gill (Pregnant person).	Bail granted	Rajbeer Kaur
Ludhiana	Jatinder Sharma v. Sonia Sharma	PBLD010197462017	08.12.2022	Disposed	First heard 07.09.2017	312, 420, 494, 495, 499, 500, 506, 34	NA	NA	The revisionist withdrew the complaint.	NA	NA	NA	The court dismissed the matter as withdrawn.	NA	Amrinder Pal Singh
Ludhiana	Kulwant Singh vs. Jasbir Kaur and Ors.	PBLDB10015072018	08.06.2023	Disposed	First heard 07.04.2018. Complainant did not show up repeatedly.	312, 315, 316, 420, 120B	NA	NA	The complainant had been consecutively absent since the last nine dates, hence the court found that the complainant did not wish to pursue the matter. No other facts given in interim orders.	NA	NA	NA	The complaint was dismissed due to lack of prosecution.	NA	Jagminder Kaur
Ludhiana	State v. Bhagwan Singh @ Kala	PBLDC10012942023	27.07.2023	Disposed	Heard 10 days prior	312, 313, 318	Consensual	S. 25 of PCPNDT Act	This was a regular bail application by the accused person. The applicant is accused along with the co-accused person o have facilitated the miscarriage of Gurinder Kaur. Due to complications from the procedure, Gurinder Kaur had to be hospitalised. An 8 months-old male foetus had been recovered in investigation.	Illegal - late term abortion	Fiance-Preson who allegedly facilitated the termination	8th month	The court observed that the challan was yet to be filed and the investigation and trial would take time. The applicant had been in custody since 24.06.2023. The court therefore <b>granted bail.</b>	Bail allowed	Dr. Ajit Atri
Ludhiana	State v. Fateh Singh	PBLD010147122023	11.07.2023	Disposed	First heard 04.07.2023	312, 313, 318	Consensual	S. 25 of PCPNDT Act	This was an anticipatory bail application by the accused person. The applicant is accused along with the co-accused person to have facilitated the miscarriage of Gurinder Kaur. Due to complications from the procedure, Gurinder Kaur had to be hospitalised. An 8 month-old male foetus had been recovered in investigation.	Illegal - late term abortion	Partner of the pregnant person	8th month	The court found nothing to infer false implication in the present case, and custodial investigation was required. The <b>anticipatory bail application was denied.</b>	Bail denied	Dr. Ajit Atri
Ludhiana	State v. Bhagwan Singh @ Kala	PBLDC10012942023	11.07.2023	Disposed	First heard 04.07.2023	312, 313, 318	Consensual	S. 25 of PCPNDT Act	This was a regular bail application by the accused person. The applicant accused along with the co-accused person (non-applicant here), facilitated the miscarriage of Gurinder Kaur. Due to complications from the procedure, Gurinder Kaur had to be hospitalised. An 8 month-old male foetus had been recovered in investigation.	Illegal - late term abortion	Fiance -Preson who allegedly facilitated the termination	8th month	The Court found there to be chances that the applicant would flee away or tamper with the proceedings. In light of this and the gravity of offences, it <b>denied bail.</b>	Bail denied	Shinku Kumar
Ludhiana	State v. Jaswinder Singh	PBLD010191112023	23.08.2023	Disposed	First heard 19.08.2023	312, 313, 318	Consensual	S. 25 of PCPNDT Act	This was a regular bail application by the accused person. The applicant is accused along with the co-accused person to have facilitated the miscarriage of Gurinder Kaur. Due to complications from the procedure, Gurinder Kaur had to be hospitalised. An 8 month-old male foetus had been recovered in investigation.	NA	Father of the pregnant person	8th month	The court observed that the relationship of the applicant with Gurinder Kaur was not in dispute. However, challan was yet to be filed and the investigation and trial would take time. The court therefore <b>granted bail.</b>	Bail granted	Dr. Ajit Atri

Ludhiana	State v. Jaswinder Singh and Bhagwan Singh @ Kala	PBLDC10012922023	02.09.2023	Disposed	First heard 07.07.2023	312, 313, 318	Consensual	S. 25 of PCPNDT Act	The challan was presented to the court in absence of the accused persons.	NA	Father of the pregnant person and fiancée of the pregnant person	8th month	The Court found the remand papers for this case to have been pending, so it directed for the file to be put up on the fixed date and for notice to be issued to Fateh Singh.	NA	Shinku Kumar	
Ludhiana	State v. Jaswinder Singh	PBLDC10018762023	04.09.2023	Disposed	Heard and disposed on the same day	312, 313, 318	Consensual	S. 25 of PCPNDT Act	The accused applicant requested for permission to furnish bail bonds as directed by the Additional Sessions Judge, Ludhiana, which had granted bail to the applicant.	Illegal - late term abortion	Person facilitating illegal termination	8th month	The Court directed the applicant to be released on furnishing of bonds worth Rs. 75,000 with one like surety.	Bail accepted. Bail bonds and surety worth Rupees 75,000 furnished.	Shinku Kumar	
Ludhiana	State v. Gurinder Kaur	PBLD010252452023	31.10.2023	Disposed	Heard 10 days prior	312, 313, 318	Consensual	S. 25 of PCPNDT Act	This was a bail application by Gurinder Kaur, aged 21 years. She was accused of terminating her 8 month pregnancy by consuming abortives. The complainant, Dr. Gurpreet Singh, informed the police of the late term abortion. Gurinder had disclosed to the IA that she had developed relations with a co-villager named Fateh Singh as a result of which she conceived. Upon informing her father, he gave her medicines to inject to terminate the pregnancy. The child was alleged to have been born alive but was suffocated in a plastic bag and thrown in the house pond.	NA	Pregnant person	8th month	The court observed that Gurinder had already been in custody since 01.07.2023 and there was no use keeping her behind bars. The co-accused has also been granted bail. <b>It therefore granted bail.</b>	Bail granted	Dr. Ajit Atri	
Ludhiana	State v. Jaswinder Kaur and Ors.	PBLDC10026822023	07.11.2023	Disposed	Heard and disposed on the same day	312, 313, 318	Consensual	S. 25 of PCPNDT Act	The accused applicant requested for permission to furnish bail bonds as directed by the Additional Sessions Judge, Ludhiana, which had granted bail to the applicant.	NA	Pregnant person	8th month	The Court directed the applicant to be released on furnishing of bonds worth Rs. 75,000 with one like surety.	Bail accepted. Bail bonds and surety worth Rupees 75,000 furnished.	Shinku Kumar	
Ludhiana	Amit Chopra v. Ishita Chopra and Ors.	PBLD0103675292019	14.11.2023	Disposed	First heard 04.12.2019	312	Consensual	NA	Amit Chopra, the complainant, filed a revision application against the order of the Magistrate where the complainant had been dismissed. The complainant had alleged that he married accused no. 1. Accused persons 2-5 are family members of the first accused. The accused wife used to pick quarrels and threatened to abort her pregnancy. The police was informed as a result of which a compromise came to be effected. However, the accused wife had the pregnancy terminated because the complainant did not adhere to her demands to move homes, and began to quarrel again and she left her matrimonial home with cash and gold.	Legal - consent of husband not taken.	Pregnant person and her family	7 weeks and 4 days	Revision petition dismissed. The complainant did not examine a relevant doctor who supposedly conducted the abortion. He failed to prove that the miscarriage did not occur naturally. The court did not interfere with the trial court's order.	NA	Vijay Kumar	
Ludhiana	State v. Jaswinder Singh and Ors.	PBLDC10030412023	11.12.2023	Disposed	Heard and disposed on the same day	312, 313, 318	Consensual	S. 25 of PCPNDT Act	The accused applicant requested for permission to furnish bail bonds as directed by the HC, which has granted anticipatory bail to the applicant.	Illegal - late term abortion	Partner of the pregnant person	8th month	The Court directed the applicant to be released on furnishing of bonds worth Rs. 75,000 with one like surety.	NA	Shinku Kumar	
Ludhiana	State v. Jaswinder Singh, Gurwinder Kaur, Bhagwan Singh and Fateh Singh	PBLDC10018722023	15.12.2023	Disposed	First heard 02.09.2023	312, 313, 318	Consensual	S. 25 of PCPNDT Act	Same as fateh singh case. The present accused in the father of the pregnant person.	illegal	Father of the pregnant person, pregnant person herself, fiancée of the pregnant person and her partner.	8th month	As section 313 had been applied, the Court committed the case to the Sessions Court.	NA	Shinku Kumar	
Ludhiana	State v. Unknown	PBLD030331092024	21.06.2024	Pending	First heard 21.06.2024	312 and 376	NA	NA	The ASI presented a cancellation report but the complainant could not be found.	NA	NA	NA	Court directed to search and notify the complainant.	NA	Monika	
Ludhiana	Joga Singh Vs. Poonam Rani and Ors.	PBLD030862042022	15.07.2024	Pending	First heard 05.11.2022	312, 379, 420, 506	NA	NA	Latest order is a procedural order. Complainant sought for adjournment.	NA	NA	NA	Court adjourned the matter.	NA	Mamta Mehmi	
Ludhiana	State v. Jaspreet Singh	PBLD010150132024	22.07.2024	Disposed	First heard 10 days prior	312 and 306	Consensual	NA	This was an anticipatory bail application by Jaspreet Singh under sections 306 and 312 IPC. The complainant, Balwinder Singh, had stated that his son Husanpreet Singh was married to Ravneet Kaur. After their marriage, Ravneet Kaur started harassing Husanpreet to take her abroad. Husanpreet's in-laws also disrespected him. When Ravneet was 7 days pregnant, her parents forced Husanpreet to terminate the pregnancy at a hospital. There were other allegations that Husanpreet committed suicide due to his wife and her family's behaviours. Two suicide notes were found as well. The applicant herein was the brother of Ravneet, and he claimed to have no role in the allegations.	Legal - consent of husband not taken.	Brother of the pregnant person	seven days	The Court found that suicide note directly named the applicant for creating circumstances along with the co-accused that caused Husanpreet to end his life. <b>The court denied anticipatory bail.</b>	Anticipatory bail denied	Jagdeep Sood	
Ludhiana	Narinder Singh v. Kamaljeet Kaur and Ors.	PBLDD10018142023	29.07.2024	Pending	The Court had to decide the guilt of the four accused persons. On 08.04.2019, the court pronounced its judgment. On 09.04.2019, the court sentenced them via a separate order.	312, 315, 34	NA	NA	The complainant evidence was ongoing but the complainant did not show up and sought for adjournment	NA	NA	NA	Court granted adjournment.	NA	Minakshi Mahajan	
Ludhiana	State through Ritu Raj Bhandari vs. Rimpay Marwaha and Ors.	PBLD010141792017	07.08.2024	Pending	First heard 06.07.2017	312, 315, 316, 318, 511, 120B	Consensual - "consent of the husband not taken"	S. 5 of MTP Act	According to an interim order dated 10.09.2018, there were accusations that accused persons 2 to 5 had administered a poisonous stance to accused person 1, Rimpay Marwaha that caused her to miscarry. Rimpay was then taken to accused person 6, Dr. Gaur who terminated the pregnancy. The complainant was Ritu Raj Bhandari. The chargesheet included S. 312, 315, 318, 511 and 120B IPC, as well as only S.5 MTP Act. The latest order refers to an application for dispensing of personal appearance for three of the accused persons, and for an adjournment by the complainant.	Illegal - late term abortion	Pregnant person and her family	33 weeks	Court granted adjournment and exempted the accused's appearance.	NA	Shiv Mohan Garg	
Ludhiana	State v. Ravneet Kaur and Ors.	PBLDC10011852024	07.08.2024	Disposed	First heard 17.06.2024	312 and 306	NA	NA	The challan was presented to the court in absence of the accused persons.	NA	NA	NA	It directed for production warrants to be issued for the accused persons to appear before the court.	NA	Pavleen Singh	
Ludhiana	Sukhwinder Singh vs. Ranjit Kaur and Ors.	PBLD030518422023	08.08.2024	Pending	First heard 26.07.2023	312, 311	NA	NA	Latest order is a procedural order. The summons issued to one of the concerned doctors was received back due to an incorrect address.	NA	NA	NA	Summons issued again.	NA	Taranjeet Singh Simra	
Ludhiana	Vikram Sharma vs. Meena Rani and Ors.	PBLD030947392022	14.08.2024	Pending	First heard 03.12.2022	312 315, 316, 120B, 506	NA	NA	The case is pending for consideration of summons.	NA	NA	NA	Date given for consideration of summoning.	NA	Vibha Rana	
Ludhiana	Samandeep Singh v. State of Punjab	PBLD010169512024	27.08.2024	Disposed	First heard 05.08.2024	312 and 306	Consensual	NA	The pregnant person was married to the deceased. She conceived from the marriage. She went with her family and got the pregnancy terminated without the consent of her husband. The husband also found that the pregnant person was having an extra marital affair and thereafter committed suicide. The pregnant person's partner has filed a bail application.	Legal - consent of husband not taken.	Partner of the pregnant person	seven days	Bail application denied.	Bail dismissed as denied.	Jagdeep Sood	
Ludhiana	State v. Sukhdev Singh	PBLD010172452024	27.08.2024	Disposed	First heard 08.08.2024	312 and 306	Consensual	NA	The pregnant person was married to the deceased. She conceived from the marriage. She went with her family and got the pregnancy terminated without the consent of her husband. The husband also found that the pregnant person was having an extra marital affair and thereafter committed suicide. The pregnant person's father has filed a bail application.	Legal - consent of husband not taken.	Father of the pregnant person	seven days	The court granted bail on bond of 50,000 with one like surety.	Bail dismissed as denied.	Jagdeep Sood	
<b>Mansa</b>																
Mansa	Charanjeet Kaur v. Gurprakash Singh and Ors.	PBMN030013622019	11.11.2021	Disposed	First heard 11.06.2019	312, 313, 314, 498A, 506, 34	NA	NA	The complainant withdrew the case after a compromise.	NA	NA	NA	Complaint dismissed as withdrawn.	NA	Sumit Bhalla	
Mansa	Pramila v. Lalit Kumar	PBMNB10012632021	11.02.2023	Disposed	First heard 23.11.2021	312, 498A, 420, 467, 468, 406, 323, 376, 148, 149	NA	NA	File was taken up in the Lok Adalat and a compromise had been made between the parties.	NA	NA	NA	Complaint dismissed as withdrawn.	NA	Presiding officer, National Lok Adalat	

Mansa	State of Punjab v C. Sunil Kumar	PBMN03002742022	31.07.2023	Disposed	First heard 08.08.2022	312 and 376	Forced	S. 67 Information Technology Act	The first cancellation report had been sent back with directions for reinvestigation. The police again submitted a cancellation report and the complainant stated that she did not agree with this report.	Illegal	The parties were partners	NA	The court found that the police made no new progress except for inquiring with the wife of the accused person. No evidence was collected. The court rejected the cancellation report again and directed that no police officer below the rank of the DSP should investigate the matter.	NA	Daljeet Kaur
Mansa	Gurmeet Kaur v Rajinder Singh	PBMNB10007312021	09.10.2023	Disposed	First heard 06.07.2021	312, 323, 49A, 406	NA	NA	A compromise had been effected between the parties.	NA	NA	NA	Complaint dismissed as withdrawn.	NA	Harpreet Kaur Nafr
Mansa	Bunty Kumar v. Akasha	PBMN030039992023	09.03.2024	Disposed	First heard 25.07.2023	312 and 316	NA	NA	File was taken up in the Lok Adalat and a compromise had been made between the parties.	NA	NA	NA	Complaint dismissed as withdrawn.	NA	Gurjit Kaur Dhillon
<b>Mohali</b>															
Mohali	State of Punjab v Vikramjit Singh and Ors.	PBSA030035412019	22.01.2021	Disposed	First heard 22.10.2019	498A,323,506,120B, 312,406,313 (312 and 313 were added later)	Forced	NA	The complainant and her husband are estranged. Husband has been alleged to forcefully conduct abortion on the complainant.	Illegal	accused persons are partner and in laws	NA	Since cases under Section 313 are exclusively triable the Sessions Court, the case is committed to the Sessions Court.	NA	Harjinder Kaur
Mohali	Dr. Sunny Bindra vs. Bhagya Arora	PBSAA10006462019	13.08.2022	Disposed	First heard 19.04.19	312, 323,324,506,120b	NA	NA	Petition dismissed as withdrawn.	NA	NA	NA	Petition dismissed as withdrawn.	NA	Sudipa Kaur
Mohali	State v Manoj Kumar Rana	PBSAB10010742023	15.05.2023	Disposed	First heard 08.02.2023	376, 312, 336, 417	Unclear	NA	The complainant had a son from her first marriage but she and her husband had separated. She worked in a security firm where she met the accused. They were in a live-in relationship since 2020 and the accused engaged in sexual intercourse with the complainant on the pretext of marrying her. The complainant conceived and the accused gave her an MTP kit to terminate the pregnancy. However, she fell ill after the termination. The accused then denied marriage. The complainant filed a complaint thereafter.	Unclear	Partner of the pregnant person	NA	The accused is liable under Section 312, 336, 376 and 417 of the IPC. However, the offence under Section 376 is exclusively triable by the Sessions Court. The matter is referred to the Sessions Court.	NA	Pavleen Kaur
Mohali	State v Manoj Kumar	PBSAB10003852023	15.05.2023	Disposed	First heard 15.05.2023	376, 312, 336, 417	Unclear	NA	The complainant had a son from her first marriage but she and her husband had separated. She worked in a security firm where she met the accused. They were in a live-in relationship since 2020 and the accused engaged in sexual intercourse with the complainant on the pretext of marrying her. The complainant conceived and the accused gave her an MTP kit to terminate the pregnancy. However, she fell ill after the termination. The accused then denied marriage. The complainant filed a complaint thereafter. Final order.	Unclear	Partner of the pregnant person	NA	Remand papers to be tagged with challan and disposed off.	NA	Pavleen Singh
Mohali	Rekha Rani v Satnam Singh	PBSAA10017342021	07.07.2023	Disposed	First heard 20.09.2021	312, 313, 323, 506, 34	NA	NA	File dismissed. Complainant does not want to continue with the case.	NA	NA	NA	Complaint dismissed as withdrawn.	NA	Sudipa Kaur
Mohali	Kanchan Verma v Vinay Sharma and Ors.	PBSA030096562024	19.07.2024	Pending	First heard 22.05.2024. Next hearing 04.09.2024.	498A,34,406,312,313,315,316	NA	NA	No preliminary evidence of the complainant present. Case adjourned.	NA	NA	NA	No preliminary evidence of the complainant present. Case adjourned for 04.09.2024.	NA	Kirandeep Singh
<b>Pathankot</b>															
Pathankot	Sapna v Lata	PBPO030050872022	09.11.2022	Disposed	First heard 14.10.2022	312, 323, 313, 509, 120B	NA	NA	The pregnant person threw a birthday party for her son after which she left the disposable material on the road outside her house. She got into an altercation with her neighbours regarding the same and they assaulted her even though she was pregnant.	Illegal - physical assault against the pregnant person	Neighbours of the pregnant persons.	NA	The Court ordered the application to be treated as a private complaint and the complainant was directed to lead preliminary evidence.	NA	Aman Sharma
Pathankot	Anuradha Bali v Sanchit Saini and Ors.	PBPO030024642022	19.07.2024	Pending	First heard 09.06.2022. Next hearing 11.10.2024.	312, 511, 323, 324, 325, 351, 354,506	NA	NA	Case adjourned for next 10.10.2024 for recording preliminary evidence and 11.10.2024 for consideration.	NA	NA	NA	Case adjourned for 11.10.2024 for consideration. No court witness is present. Case adjourned for 10.10.2024 for recording preliminary evidence of complainant.	NA	Parminder Pindu
Pathankot	Sapna v Lata	PBPO0300509742022	23.07.2024	Pending	First heard 09.11.2022. Next hearing on 07.09.2024	312, 323, 313, 509, 120B	NA	NA	The pregnant person threw a birthday party for her son after which she left the disposable material on the road outside her house. She got into an altercation with her neighbours regarding the same and they assaulted her even though she was pregnant.	Illegal - physical assault against the pregnant person	Neighbours of the pregnant persons.	NA	No preliminary evidence is present. Case adjourned to conclude preliminary evidence for 07.09.2024.	NA	Parminder Pindu
Pathankot	Harvinder Singh v Mahavir Singh	PBPO010008072024	12.08.2024	Pending	First heard on 02.03.2024. Next hearing on 02.11.2024	312, 341, 323, 452, 427, 354B, 506	NA	Section 5 of Limitation Act	Reply to application for condonation of delay.	NA	NA	NA	Reply to application for condonation of delay not filed. To be filed on 02.11.2024	NA	Ravdeep Singh Hundal
<b>Patiala</b>															
Patiala	State of Punjab v Unknown	PBPTA1002951-2021	11.09.2021	Disposed	First heard on 08.09.20221	312, 315, 316	NA	NA	Cancellation report put up before the National Lok Adalat.	NA	NA	NA	The complainant has submitted a statement that she agrees with the police investigation. Cancellation is therefore accepted in the Lok Adalat.	NA	Jaspreet Singh
Patiala	Satwant Singh vs Rimple @ Dimple @ Dilpreet Kaur and Ors.	PBPTB10014542018	03.01.2022	Disposed	First heard 13.06.2018	312, 315, 34, 120B	NA	NA	Complaint dismissed as no one appeared on behalf of the complainant.	NA	NA	NA	Complaint dismissed	NA	Anuradha
Patiala	Manpreet Kaur v Harpreet Kaur	PBPT030087822023	07.10.2023	Disposed	First heard 04.08.2023	406, 498A, 312, 511, 506	NA	NA	Complaint withdrawn.	NA	NA	NA	Withdrawn.	NA	
Patiala	Meena Rani v State of Punjab	PBPT010040352024	08.05.2024	Disposed	First heard 16.04.2024	23, 25, 120B, 312, 315,	Consensual	Section 3B, 4(4),5,6B,18,23,24,25,29 of the PCPNDT Act	The accused is a medical practitioner. She has been accused of possessing an ultrasound machine in her clinic that she uses to disclose the sex of the foetus and conduct sex selective abortions. She allegedly took INR 25000 to conduct the test and disclose the sex of the foetus.She has applied for bail.	Illegal - sex selective abortion	Persons providing illegal abortion - occupation unclear	NA	Bail application is dismissed since the case is in its preliminary stages and if the accused is released, she may tamper with the evidence.	Bail Denied	Avtar Singh Barda
Patiala	State of Punjab v Gurpreet Singh and Anr.	PBPT030071362021	17.05.2024	Disposed	First heard 28.07.2021	406, 498A, 312, 506	NA	NA	The main petition is rendered infructuous due to a compromise dated 10.04.2024.	NA	NA	NA	The main petition is rendered infructuous due to a compromise dated 10.04.2024. The matter is disposed and the surety of the accused is also discharged.	NA	Arun Gupta
Patiala	Lachmi Kaur @ Laxmi v Karam Chand	PBPTB10011622023	28.05.2024	Pending	First heard 17.07.2023. Next hearing 09.09.2024	406, 498A, 323, 325, 506, 312, 313, 120B	NA	NA	Case adjourned for preliminary evidence.	NA	NA	NA	Case adjourned for preliminary evidence to 09.09.2024	NA	Balkar Singh
Patiala	Anoop Ucharia vs Vinmi	PBPT030180522022	15.07.2024	pending	First heard 02.12.2022. Next hearing 14.09.2024	312, 379	NA	NA	Counsel for Complainant's statement recorded where he stated that parties have been compromised in the matter so case must be dismissed as withdrawn.	NA	NA	NA	Case adjourned for 14.09.2024 for consideration and appropriation in Lok Adalat.	NA	Ravinder singh Rana
Patiala	Binder Kaur v State of Punjab	PBPT030099652022	29.07.2024	Pending	First heard 05.09.2022. Next hearing 16.09.2024.	312, 323, 324, 376, 506, 120B	NA	NA	Case was fixed for preliminary evidence but no court witness present.	NA	NA	NA	Case adjourned for 16.09.2024 for remaining preliminary evidence of the complainant.	NA	Gurpreet Singh
Patiala	Meena Rani v State of Punjab	PBPT010077422024	3.08.2024	Disposed	First heard 03.08.2024	312	NA	NA	Application for directing Jail superintendent admit the applicant to the hospital is withdrawn.	NA	NA	NA	Application dismissed as withdrawn.	NA	Avtar Singh Barda
Patiala	Meena Rani v State of Punjab	PBPT010077502024	09.08.2024	Disposed	First heard 03.08.2024	312	NA	NA	Ahlmad Report from doctor received.	NA	NA	NA	As per Ahlmad report FIR has previously been disposed on 08.08.2024. The case is disposed and the Ahlmad report is to be attached with main application.	NA	Avtar Singh Barda
Patiala	Devi Dayal v Pradeep Kumar alias Happy	PBPT010001842020	14.08.2024	Pending	First heard 07.01.2020. Next hearing 11.09.2024.	312, 313, 319, 320, 30, 463, 464, 467, 468, 470, 120B	NA	NA	Order for appearance served to Moharrir Head Constable but he has not appeared. Notice sent to Doctor and Rajindra Hospital received unserved. In an interim order dated 4.2.2020, summons was issued only under 312 and 313.	NA	NA	NA	Case adjourned for 11.09.2024. Notice sent to MHC. Concerned doctor to be summoned to furnish complete particulars.	NA	Sandeep kumar singhla
<b>Rupnagar</b>															
Rupnagar	Chandan Sharma v Chandni Devi	PBROB10004232020	10.01.2022	Disposed	First heard 28.10.2020	312, 120B, 34, 506	NA	NA	Complainant has withdrawn the case.	NA	NA	NA	Complaint dismissed as withdrawn. Parties have reached a compromise	NA	Shaveta Thakur
<b>First heard 28.10.2020</b>															

Sangrur	State of Punjab v Gurbir Singh	PBSG030039932020	11.09.2021	Disposed		312, 498A, 406, 506	NA	NA	The complainant appeared in court via video conferencing and confirmed that she agrees with the cancellation report.	NA	NA	NA	The case had been heard in the National Lok Adalat, and the prosecution had filed a cancellation report on the basis of a compromise. Since offences under Section 498 A are not compoundable, the court does not have the authority to accept the present cancellation report. Report to be sent back, judicial papers consigned to the record room.	NA	Harvinder Singh Sindhia
Sangrur	State of Punjab v Sangeet Kumar @Goli	PBSG010036952022	10.08.2022	Disposed	First heard 09.12.2020.	376D, 312, 149, 120	NA	NA	The applicant was acquitted. Application for deletion of entry in jamabandi.	NA	NA	NA	Application is allowed. Entry made in Jamabandi.	NA	R.S. Rai
Sangrur	State of Punjab v Gurbir Singh	PBSG030108952022	11.02.2023	Disposed		312, 498A, 406, 506	NA	NA	The complainant has sent back the cancellation report since they are not satisfied with the police investigation.	NA	NA	NA	The file order to be sent back to the police with the direction that the matter must be further investigated as early as possible.	NA	GS Sekhon
Sangrur	Gurwinder Singh v Prabbjot Singh	PBSGA10008972020	17.07.2024	Pending	First heard on 03.12.2022. First heard on 30.07.2020. Next hearing on 26.09.2024.	312, 420, 120B	NA	NA	Case adjourned for next date.	NA	NA	NA	No court witness is present. Case adjourned to 26.09.2024	NA	Lovejinder Kaur
Sangrur	State of Punjab v Mandep Kaur	PBSG010081972020	01.08.2024	Pending	First heard on 01.12.2020. Next hearing on 20.09.2024.	312, 315, 316, 120 B	NA	NA	Case adjourned for next date. Till now, the hearings have concluded charge, prosecution evidence and replies.	NA	NA	NA	Case is adjourned for 20.09.2024 for filing reply to the application under Section 319 of the CrPC.	NA	Parminder Singh
Sangrur	Avatr Singh v Kasanjot Singh	PBSGA10008582023	07.08.2024	Pending	First heard 19.05.2023. Next hearing on 20.09.2024	420, 494, 495, 312, 313, 120B	NA	NA	Case adjourned for next date.	NA	NA	NA	Bailable warrants issued against the concerned ARK, Judicial warrants room not received back. Case adjourned for 20.09.2024.	NA	Daleep Kumar
<b>Shaheed Bhagat Singh Nagar</b>															
Shaheed Bhagat Singh Nagar	State of Punjab v Satpal	PBSB030033542018	11.10.2021	Disposed	First heard on 01.12.2018.	312	NA	NA	Fine has been recovered from the accused.	NA	NA	NA	Fine stands recovered from the accused. Present proceedings are satisfied.	NA	Aparajita Joshi
Shaheed Bhagat Singh Nagar	Alka Kumari v Lovedeep	PBSB0300010402023	19.07.2023	Disposed	First heard 06.02.2023	406, 498A, 312, 420, 506, 120B	NA	NA	No one appeared on behalf of the complainant.	NA	NA	NA	Case dismissed in default for non-appearance by complainant.	NA	Jagbir Singh Mehndiratta
Shaheed Bhagat Singh Nagar	Monika Rajput v State of Punjab	PBSB010008842023	31.05.2023	Disposed	First heard on 03.03.2023	312, 313, 323	NA	NA	Complaint withdrawn.	NA	NA	NA	Petition dismissed as withdrawn.	NA	Kanwaljit Singh Bajwa
Shaheed Bhagat Singh Nagar	Romi Rajput v State of Punjab	PBSB010048792023	12.07.2024	Pending	First heard 20.12.2023. Next hearing 11.11.2024	312,313,323,344,404,506, 34	NA	NA	Notice to respondents.	NA	NA	NA	Notice to respondents due to want of RC/ADs. Revisionist is directed to furnish the same.	NA	Karunesh Kumar
Shaheed Bhagat Singh Nagar	Balvir Kaur v. Karanvir Kaur and Sharanjit Kaur	PBSB030052182023	01.08.2024	Pending	First heard 04.08.2023. Next hearing 03.09.2024.	376, 312, 313, 493, 120B	NA	NA	Case adjourned for next date.	NA	NA	NA	No court witness is present. Case adjourned to 03.09.2024.	NA	Aprajita Joshi
<b>Sri Muktar Sahib</b>															
Sri Muktar Sahib	Navjot Kaur v Sate of Punjab	PBSM030000042021	06.01.2021	Disposed	First heard 04.01.2021	498A, 46, 312, 313, 315, 34	NA	NA	Application for release of articles.	NA	NA	NA	The articles lying in the police station are the applicant's stridhan. The police has no objections if the articles are released. Articles to be released after furnishing surety of INR 1,00,000. Surety furnished. Release warrant to be issued.	NA	Ravi Gulati
Sri Muktar Sahib	State of Punjab v Unknown	PBSM030009422020	10.04.2021	Disposed	First heard 24.07.2020.	315, 312, 317	NA	NA	Case filed for consideration of untraced report. The complainant found an abandoned baby girl and informed the police. Investigation was conducted but nothing was found. Cancellation report submitted by the police.	No termination is mentioned. Abandoned baby was found.	NA	NA	Cancellation Report accepted since no purpose will be served by continuing investigation.	NA	Surpreet Kaur
Sri Muktar Sahib	Dai Salochna Devi v State of Punjab	PBSM03002402021	24.12.2021	Disposed	First heard 17.12.2021	312, 511		6A, 23 of PCPNDT Act	An FIR has been filed by one Rashmi Chawla, Senior Medical Officer alleging that PNDT test was being conducted in one Madho Hospital for sex determination. That the victim Jaspreet Kaur, after seeking sex determination and realising that the foetus is a female girl and then the accused Salochna Devi after applying injections and tablet conducted abortion. Injections and instruments were recovered from her house as well.	Allegedly Illegal - It is alleged that it was a sex selective abortion	NA	NA	Since instruments were recovered from the accused's house and the charges against her are well founded, bail cannot be granted. Application dismissed as denied.	Bail Denied	Raj Pal Rawl
Sri Muktar Sahib	Dr Vasudha Singh v State of Punjab	PBSM010003302022	11.02.2022	Disposed	First heard 01.02.2022	312, 313, 511, 315, 201		Section 6 and 23 of the PCPNDT Act	An FIR has been filed by one Rashmi Chawla, Senior Medical Officer alleging that PNDT test was being conducted in one Madho Hospital for sex determination by Dr. Vasudha Singh. That the victim Jaspreet Kaur has seeked such services and Dr. Vasudha has conducted the test. This is a bail application.	Illegal	NA	allegedly 4 months pregnant	Bail is granted. All record maintained by the doctor including the CCTV footage and ultrasound has been received.	Bail granted	Prem Kumar
Sri Muktar Sahib	Gurmeet Kaur v State of Punjab	PBSM010008772022	29.03.2022	Disposed	First heard 22.03.2022	498A, 406, 312, 313, 34	forced	NA	Application for anticipatory bail. The accused demanded dowry from the pregnant person's family during marriage. They continued to harass the pregnant person for dowry and beat her. The pregnant person has submitted that the termination of her pregnancy was conducted against her wishes.	Illegal - in laws forced termination		Mother-in-law and sister-in-law of the pregnant person.	Anticipatory bail denied due to the gravity of the offence.	Anticipatory bail denied due to the gravity of the offence.	Sandeep Singh Bajwa
Sri Muktar Sahib	Boota Singh v State of Punjab	PBSM010010642022	11.04.2022	Disposed	First heard 06.04.2022	498A, 406, 312, 313, 34	forced	NA	Application for anticipatory bail. The accused demanded dowry from the pregnant person's family during marriage. They continued to harass the pregnant person for dowry and beat her. The pregnant person has submitted that the termination of her pregnancy was conducted against her wishes.	Illegal - in laws forced termination		Father in law of the pregnant person	Anticipatory bail denied due to the gravity of the offence.	Anticipatory bail denied due to the gravity of the offence.	Sandeep Singh Bajwa
Sri Muktar Sahib	Roop Singh v State of Punjab	PBSM010010632022	11.04.2022	Disposed	First heard 06.04.2022	498A, 406, 312, 313, 34	forced	NA	Application for anticipatory bail. The accused demanded dowry from the pregnant person's family during marriage. They continued to harass the pregnant person for dowry and beat her. The pregnant person has submitted that the termination of her pregnancy was conducted against her wishes.	Illegal - in laws forced termination		NA	Anticipatory bail denied due to the gravity of the offence.	Anticipatory bail denied due to the gravity of the offence.	Sandeep Singh Bajwa
Sri Muktar Sahib	Amrik Singh v Dr Vasundra Raj Madho	PBSM030024092021	02.08.2022	Disposed	First heard 21.12.2021	114, 166, 312, 420, 452, 467, 500, 506, 148, 149, 120B	6A, 22, 23 of PCPNDT Act	NA	No one appeared on behalf of the complainant.	NA	NA	NA	Court dismissed the application in default of prosecution.	NA	Raj Pal Rawl
Sri Muktar Sahib	Beant Kaur v Harpreet Singh	PBSMB10028682023	04.03.2024	Disposed	First heard 01.07.2023	312, 313, 376, 377	NA	NA	No one appeared on behalf of the complainant.	NA	NA	NA	Court dismissed the application in default of prosecution.	NA	Dilshad Kaur
Sri Muktar Sahib	Veerpal Kaur v Baljinder Singh	PBSM030008622024	03.08.2024	Pending	First heard 02.05.2024. Next hearing 28.08.2024.	323, 324, 325, 506, 509, 511, 312	NA	NA	Consideration not advanced. Matter adjourned to next date. No facts mentioned in interim orders.	NA	NA	NA	Consideration not advanced. Adjourned to 28.08.2024.	NA	Mahesh Kumar
Sri Muktar Sahib	Simarjit Kaur v Jagsir Mohamad	PBSMB10012572024	30.08.2024	Pending	First heard 18.04.2024. Next hearing 30.08.2024	312, 313, 376, 377	NA	NA	No facts mentioned. Procedural order.	NA	NA	NA	No court witness is present. Adjourned 04.11.2024.	NA	Sumukhi
<b>Tarn Taran</b>															
Tarn Taran	Raman Kumar v Neha Kumari	PBTTB10003232019	06.07.2022	Disposed	First heard 26.11.2019	312, 315, 420, 120B	NA	NA	No one appeared on behalf of the complainant.	NA	NA	NA	Court dismissed the application in default of prosecution.	NA	Gurpreet Kaur
Tarn Taran	Amritpal Singh v State	PBTTO10052642022	04.10.2022	Disposed	First heard 22.09.2022	376, 312, 506	NA	NA	Anticipatory bail application. The accused engaged in sexual intercourse with the pregnant person on the pretext of marrying her and later refused marriage. She conceived and her pregnancy was subsequently terminated by the accused.	NA	Accused person is the partner of the complainant	NA	Anticipatory bail denied due to the gravity of the offence.	Bail denied	Preeti Sahni
Tarn Taran	Manju Sharma v Sahil Sharma and Ors.	PBTTO30007472024	16.08.2024	pending	First heard 26.02.2024. Next hearing 30.09.2024.	312, 311, 406, 498A, 509, 427	NA	NA	Case received by transfer.	NA	NA	NA	Case received by transfer. To come up for preliminary hearing on 30.09.2024	NA	Simarjit Singh