



103-1

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

1.

CRR-2337-2004

Date of Decision: 13.08.2026

ISHAR KAUR

....Petitioner(s)

VERSUS

RANJIT SINGH AND OTIERS

....Respondent(s)

2.

CRA-S-707-SB-2004

RANJIT SINGH

....Appellant(s)

VERSUS

STATE OF PUNJAB

....Respondent(s)

**CORAM: HON'BLE MR. JUSTICE VINOD S. BHARDWAJ
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present: Mr. Akshay Bhan, Senior Advocate with
Mr. Gurinder Singh, Advocate
Mr. Archit Garg, Advocate
for the appellant in CRA-S-707-SB-2004.

Mr. Bharu Pratap Singh, Addl. AG, Punjab
for respondent State and
for petitioner as Amicus curiae in CRR-2337-2004.

VINOD S. BHARDWAJ, J. (Oral)

While the complainant had preferred Criminal Revision i.e. CRR-
2337-2004, against the judgment dated 19.03.2004 passed by Addl. Session

Judge (Ad hoc), Patiala, in Sessions Case No.3T/FTC dated 06.02.2002/28.11.2003 arising out of complaint under Section 302/201/34 of the Indian Penal Code, 1860, at Police Station Sadar, Patiala, against acquittal of respondent/accused – Karamvir Singh of all the offences and acquittal of convict Dr.Ranjit Singh for offence under Section 302 and 304 IPC and instead being convicted for offence under Section 304-A IPC, convict – Dr.Ranjit Singh has preferred CRA-S-707-SB-2004 to the extent whereby he had been convicted for offence under Section 304-A IPC and had been sentenced to undergo simple imprisonment for a period of 02 years and to pay a fine of Rs. 6000/- for offence under Section 304-A IPC and to undergo imprisonment of 06 months and pay a fine of Rs.1000/- for offence under Section 201 IPC.

The Criminal Revision on behalf of the complainant – Ishar Kaur had been filed by Mr. Avtar Singh Syan, Advocate; however, he stopped appearing since 07.03.2018. When the matter came up for hearing on 22.07.2026, Mr. Avtar Singh Syan, Advocate did not appear. A telephone call was made to him by the Court staff, however, he did not come and apprised the Court staff that he had no further instructions. The matter was adjourned to 30.07.2026, but none appeared even on the said date. The matter pertains to the year 2004, hence, further wait is no longer justified. Accordingly, Mr. Bhanu Pratap Singh, Addl. AG, Punjab, is directed to assist this Court since judgment of conviction had already been passed and State of Punjab is already a respondent in Criminal Appeal i.e. CRA-S-707-SB-2004 preferred by the convict – Dr.Ranjit Singh and the interest of the State was common with the complainant – Ishar Kaur. He has gone through the paper book and has assisted the Court.

The case has thus been examined on merits with the assistance of the counsel for the appellant in CRA-S-707-SB-2004 as well as Mr. Bhanu Pratap Singh, Addl. AG, Punjab, who has also appeared as Amicus Curiae for and on behalf of complainant Ishar Kaur.

FACTS

2. The facts which emerge from perusal of the case file are that accused – Ranjit Singh (appellant in CRA-S-707-SB-2004) and respondent (in CRR-2337-2004) along with his son Karamvir Singh (since acquitted) had been arraigned as accused in the complaint case for having caused the murder of Bhajan Singh – husband of the complainant Ishar Kaur. The sequential narrative of the case is that deceased Bhajan Singh passed away on 19.05.1998. A ruqa was recorded by the police, on receipt of an information about the demise of Bhajan Singh and of his being cremated. The intimation received by the police was to the effect that Bhajan Singh had died by consuming some poisonous substance and that the body of Bhajan Singh was being cremated discreetly and without reporting the matter to the police. Immediately on receipt of the message, the SHO Police Station Sadar, along with police officials, reached at Village Chalaila on a govt. vehicle, where cremation of Bhajan Singh had already been undertaken by his brothers Mahender Singh, Bhan Singh, Gurmail Singh and Nachhatar Singh along with the co-villagers. They cooled down the pyre by pouring water and took possession of the half-burnt body for its postmortem examination and for further proceedings. A separate statement of the petitioner/complainant – Ishar Kaur was also recorded wherein she stated that she and her sister Gurmail Kaur are married in the same house and that her husband Bhajan Singh was habitual of taking intoxicating substances and often used to

take narcotic pills and did not return home for several days in the state of intoxication and that he would lie in the streets, after taking drugs. On the date of the incident, i.e. 19.05.1998, he had gone out from the house at around 6/7 AM in the morning. At about 8 AM, he was found dead on the motor of the kotha of Hari Singh, son of Bakhtawar Singh. The dead body of her husband was brought home by her brothers'-in-law namely Bhan Singh and Kesar Singh, along with Jagar Singh, son of Gurbax Singh. She stated that her husband must have taken an overdose of drugs which resulted in his death. She further alleged that in a state of intoxication, Bhajan Singh also used to harass her parents. She stated that her husband died in a state of intoxication and has been cremated by her brothers'-in-law and that she did not wish to take any action against anyone in this regard. The aforesaid statement was thumb marked not only by Ishar Kaur but also by her sister Gurmail Kaur, who was married to Mahinder Singh. Inquest proceedings (Ex.PA/3) were eventually finalized. Postmortem examination (Ex.P1/A) of the body was got conducted and the viscera was also drawn from different parts of the body to ascertain the cause of death. The doctors finally stated that an opinion as to the cause of death would be given only on receipt of the report of the chemical examiner.

3. Eventually, the report of the chemical examiner Ex.PA/5 was received wherein it was stated that no poison was detected in the contents of the exhibits. Upon receipt of the report, opinion as to the cause of death was sought yet again. As per the opinion PA/4 given by the doctor, the cause of death remained inconclusive and indeterminable at this stage from the available material drawn from the semi-burnt dead body.

4. A criminal complaint (Ex.PB) was thereafter filed by the complainant on 08.06.1998, when for the first time, the allegations levelled and surfaced to the effect that her husband worked as a *siri* (agricultural labourer) with the respondent – accused since long. The respondent – accused had taken the deceased to Patiala on some pretext and obtained his signature on numerous papers. The same was informed by Bhajan Singh to the complainant – Ishar Kaur. It was also stated that Bhajan Singh was suffering from mild fever and loose motions in the evening. He was not able to work at that time. On the following day, i.e. on 19.05.1998 at about 6/7 AM, the accused – respondent came to the house of the complainant and compelled the deceased to accompany them. The accused also said that they would give medicine to him and that the complainant should also accompany them. He was accordingly taken to the clinic of the accused/appellant – Dr. Ranjit Singh, where some poisonous medicine was given to Bhajan Singh along with some other medicines. Bhajan Singh was asked to take these medicines in the dispensary itself. The complainant and her brother-in-law Bhan Singh were present at that time. After taking the medicine, Bhajan Singh was brought home and was put on the bed for taking rest. At around 7:30/8:00 AM, Bhan Singh left for home and the complainant got busy with the household chores. The condition of Bhajan Singh, however, deteriorated and he died at approximately 9 AM.

5. Alleging that the accused persons, i.e. Dr. Ranjit Singh and Karamvir Singh, came to the house and convinced the complainant to carry out immediate cremation of Bhajan Singh, hence accepting the advice, cremation was carried out. She further stated that some person from the village reported the incident to the police station, whereupon some police officials came to the village

and took possession of the half-burnt dead body of Bhajan Singh. The same was taken to Rajindra Hospital, Patiala, for postmortem examination and viscera of the dead body was sent to the laboratory for chemical examination. Alleging that the accused persons Dr.Ranjit Singh and Karamvir Singh were in the knowledge that the medicine given by them was likely to kill him, yet they administered the said medicines with an intent to kill him so as to take possession of the land owned by Bhajan Singh. It was also alleged that the police officials at Police Station Sadar did not take any action on the request submitted by the complainant and instead obtained her thumb impressions on blank papers along with the thumb impressions of her sister Gurmail Kaur. Alleging that poisonous drugs were administered to Bhajan Singh by the respondent-accused, the said complaint was filed.

6. The complainant stepped into the witness box along with her brother-in-law Bhan Singh (brother of the deceased). Upon consideration of evidence adduced on record, the complaint No.24T of 27.01.1998/2000 was dismissed vide judgment dated 14.05.2001 in case titled as "*Isher Kaur vs. Dr. Ranjit Sing and another*". The complainant preferred Criminal Revision No.40 dated 05.10.2001 against the aforesaid judgment of dismissal of the complaint by the Judicial Magistrate 1st Class, Patiala. The said Criminal Revision No.40 was allowed by the revisional Court vide judgment dated 01.02.2002 and the judgment of dismissal dated 14.05.2001 passed by the Judicial Magistrate 1st Class, Patiala was set aside. The matter was remanded to the trial Court for a fresh decision. Thereafter, the proceedings commenced afresh.

7. The presence of the accused persons was procured by the trial Court whereafter the case was committed to the Court of Sessions vide order dated 24.05.2002.

8. In order to prove its case, the prosecution had examined Dr. D.S. Bhullar as PW-1, who conducted postmortem examination of the charred body and prepared his report Ex.PW4/A. Ishar Kaur – complainant appeared as PW-2 and reiterated the allegations that had been levelled by her in the complaint. PW-3 Bhan Singh (Brother of the deceased) reiterated the same version. PW-4 Hardial Singh testified that there was a money dispute between Ranjit Singh and the deceased Bhajan Singh. The prosecution evidence was thereafter closed vide order dated 16.02.2004.

9. The entire incriminating evidence was put to the accused - Ranjit Singh and his son Karamvir Singh and their statements were recorded under Section 313 Cr.P.C. They denied the same and alleged that they have been falsely implicated in the aforesaid case. The plea of defence set up by the accused was that the deceased used to remain under the influence of intoxicating substances and used to consume narcotic drugs and other intoxicants day and night and he used to roam around in the village under the influence of drugs. On 19.05.1998, his dead body was found on the motor of the kotha of Hari Singh son of Bakhtawar Singh and was removed therefrom by the brothers of the deceased. The death of the deceased was suspected to have resulted from a drug overdose. Almost the entire village had collected at the house of the complainant. The accused had reached the village at about 10 AM from Patiala and came to know about the death of Bhajan Singh. The dead body was taken to the cremation ground and Bhajan Singh was cremated in the presence of all the

villagers, including the Sarpanch and other members of the Panchayat as well as the brotherhood of the deceased. Later, the police arrived at the spot and took the half-burnt body from the pyre and thereafter postmortem was conducted. Statements of Ishar Kaur (widow of the deceased), Jangir Singh (father of the deceased), Mohinder Singh and Kulwinder Singh, sons of Ajit Singh (neighbours) were also recorded. All the persons stated to the effect that the deceased was in the habit of taking drugs and had died as a result of drug overdose. The postmortem was conducted and no poison was detected in the chemical examiner's report. The deceased had borrowed a sum of Rs.28,000/- from the accused and had also executed a pronote and a receipt. When the accused demanded the amount of the pronote from the complainant Ishar Kaur, she felt agitated and tried to interfere with the possession of the land which had been given by the deceased on lease to the accused. An FIR was accordingly got lodged against the complainant and other persons who trespassed into the land owned by the accused persons, and such case is pending. In order to pressurise the accused persons not to pursue the aforesaid case and also to give up the outstanding dues of the deceased and to demand more money, a false case has been got registered. He also stated that he is running a clinic of Homeopathic medicines at Chotti Barandari, Patiala and is residing at Top Khana More, Patiala and visits to the village on weekends only and does not run any clinic at the village of Chalaila. A separate plea of defence, in addition to the one taken by Ranjit Singh had been taken by accused Karamvir to the effect that he is innocent and has been implicated only to pressurise his father.

10. In support of their case, defence examined DW-1 Bahadur Singh, who deposed that accused Ranjit Singh was not doing any business as a private

practitioner at Chalaila and his son looked after agricultural work in the village. He also stated about the innocence of the accused. DW-2 Sant Singh is a resident of Village Chalaila and deposed on identical lines. Thereafter, defence evidence was closed on 10.03.2004.

11. Parties were heard at length and upon consideration of the evidence led and arguments raised by respective parties, the trial Court recorded its finding that insofar as accused Karamvir is concerned, he is entitled to benefit of doubt. Accused – Ranjit Singh (appellant in CRA-S-707-SB-2004) was however held guilty for an offence under Section 304-A, IPC on the ground that, being a medical practitioner, he was supposed to exercise due care and caution and not to administer any medicine which could prove fatal to the deceased. Hence, he was convicted for an offence under Section 304-A IPC. It was also noticed by the Court that as per the allegations, Dr. Ranjit Singh played an active part in the cremation of the dead body and was present at the village at the time of cremation. Hence, he was also held guilty for the offence under Section 201 IPC and sentenced.

12. Aggrieved of the discharge of the accused for offences under Section 302 IPC and of acquittal of Karamvir Singh, complainant – Ishar Kaur preferred the Criminal Revision i.e. CRR-2337-2004 while accused – Ranjit Singh has preferred the Criminal Appeal i.e. CRA-S-707-SB-2004.

ARGUMENTS BY THE COUNSEL FOR THE APPELLANT

13. Learned Senior counsel appearing on behalf of the convict – accused has vehemently argued that it is a case of material improvements wherein medical negligence has been assumed despite absence of evidence to prove the charge. It has been submitted that the trial Court has convicted the appellant on

conjectural assumption to the effect that to the effect that not only the deceased was administered some medicine, but he also died as a result thereof. He contends that the first recorded version of the incident is of 19.05.1998, which has been thumb-marked not only by the complainant – Ishar Kaur but also by her sister Gurmail Kaur, at the time of inquest proceedings. Therein, a specific narrative had been given by the complainant to the effect that the deceased was habitual of taking drugs/pills and remained under the influence of intoxicants. He used to stay away from home for a number of days and was found lying in the streets of their village. On the day of the incident, i.e. 19.05.1998, he had left the house at around 7:00 AM and his dead body was found at around 8:00 AM. The cremation took place at around 10:00 AM in the morning. The body was recovered by the police and the statements were recorded around 1:00 PM. Learned Senior Counsel further contends that the said cremation had been undertaken without any intimation to the police. It is submitted that there was no reason for the complainant and the members of her family to have acted with such haste in cremating the dead body, in case they suspected any foul play. There was a necessity for informing the police about the death. The said information was, however, given by some other co-villager. He further contends that it has also come on record that the chemical examiner's report did not find presence of any poisonous substance or it having been administered to the deceased. So much so, even the cause of death has not been conclusively determined. In such circumstances, it cannot be assumed the death took place as a result of any medical negligence or it was purely on account of natural causes. It is submitted that there can be no presumption of criminal liability and that the burden falls upon the prosecution to establish that death occasioned as a result of

any act/omission on the part of the persons tried for the commission of the said offence. He contends that apart from the sole testimony of the complainant Ishar Kaur, there is nothing on record even to prove the fact that the deceased had ever been given any medicine by Ranjit Singh.

14. Undisputedly, the appellant-accused Ranjit Singh is a registered homoeopathic practitioner in Patiala and was not ordinarily residing at village Chalaila. It is thus highly unlikely that at 7:00 AM in the morning, the deceased would have gone to Patiala for taking some medicine and would have reached back only to be found dead at the motor of Hari Singh at around 8:00 AM. It is argued with vehemence that even as per the complainant, there is not even an averment that Bhajan Singh had been taken to Patiala by the complainant Ishar Kaur and her brother-in-law. Further, as per the improved version, the deceased passed away at home, whereas during the inquest proceedings, it was stated that dead body of Bajan Singh was discovered at the kotha of Hari Singh. Thus, even the place of death changed. He contends that a mischievous and distorted version has later been projected by the complainant on 08.06.1998 about the respondent-accused having come to the house and obtained signatures of the deceased on certain papers on 18.05.1998 and to come back on 19.05.1998 to extend treatment. He contends that the aforesaid version has seemingly been set forth only to carve a defence for themselves in the proceedings that had already been initiated by the appellant-accused for recovery of the amount of Rs.28000/-. Besides, a criminal complaint was admittedly pending against Bhajan Singh and that in the cross-examination Ishar Kaur has admitted of the pendency of the said case. She had also admitted that she never preferred any complaint before any person about thumb impression/signatures of the deceased Bhajan Singh having

been falsely taken or some documents having been forged by Ranjit Singh. He contends that the prosecution has also not been able to establish any motive for the appellant to have caused the death of the deceased. Although in the initial version, it is said that the attempt was to take possession of the land which is owned by the deceased-Bhajan Singh, however, at the same time, the complainant herself admits in her complaint that the deceased was working as a *Siri* (agricultural labour) for the accused himself. The prosecution has not been able to establish that there was any land holding in the name of the deceased-Bhajan Singh, although in her deposition, Ishar Kaur stated that the deceased was owner to the extent of 2 ½ acres of land; however, there is no documentary evidence on record to establish the aforesaid claim.

15. Learned Senior Counsel contends that in cases of medical negligence, it is incumbent upon the prosecution to establish that not only was the medicine administered by the attending doctor but also that the same medicine was fatal or should not have been prescribed. In the present case, none of the said aspects has been brought on record. Besides, there is nothing on record even to establish that any medicine had been administered to the deceased soon before his death by or at the instance of the appellant – accused Ranjit Singh.

16. In view thereof, it is argued that the conviction based upon conjectures and surmises is unsustainable and there could be no presumption of guilt and that the said aspect is to be satisfactorily discharged by the prosecution itself. No other argument has been advanced by the appellants.

ARGUMENTS BY THE COUNSEL FOR THE COMPLAINANT

17. Learned Amicus Curiae and Addl. A.G, Punjab has however contended that the prosecution evidence in the form of PW-2 and PW-3 has been specific to the aspect that the deceased had been taken by the accused-appellant on 19.05.1998 and he was given some medicine since he was feeling unwell and that thereafter, the deceased was brought back home to take some rest, however, his condition deteriorated and he passed away at 9:00 AM in the morning. Further, the accused himself came to the village and apprised them that Bhajan Singh should be cremated immediately and without informing the police. They accepted the said advice and conducted the cremation. He contends that in the said circumstances, the evidence is consistent not only to the effect that the deceased had been given some medicines by the accused – convict Ranjit Singh but also that Bhajan Singh died soon thereafter.

18. He, however, does not dispute that the chemical examiner report did not detect any poisonous substance in the viscera collected from the body of the deceased person. It is further not disputed that, as per the opinion, no definite cause of death could be opined by the doctor. He has also been confronted with the specific suggestion given to Dr. D.S. Bhullar (PW-1), who has also stated that in the event of any poison being administered to a person, such poison can also be detected in a half-charred body.

19. Further, the counsel also does not dispute that as per the cross-examination of the complainant – Ishar Kaur, she admits to her thumb impressions having been obtained by the police on 19.05.1998 and that even her sister Gurmail Kaur had affixed her thumb impression, however, he contends that the said thumb impressions, as per the case of the complainant, were taken on blank papers. Hence, the contents of the said proceedings should not be read

against the prosecution. It is contended that in light of the aforesaid, the evidence of the prosecution witnesses cannot be discarded as they were the most natural witnesses to the incident that had taken place. Consequently, the judgment is liable to be interfered with, and the acquittal of Karamvir was unjustified and was not in accordance with law and even Ranjit Singh ought to have been convicted for the offence punishable under Section 302 IPC.

CONSIDERATION

20. We have heard learned counsel for the parties and gone through the documents available on the record.

21. An undisputed fact which emerges from consideration of the entire evidence on record is that actual cause of death has not been determined. Even though the case of the prosecution is that a poisonous substance was administered to Bhajan Singh but no poison was detected. Even the report of the chemical examiner does not support the aforesaid allegation. This assumes significance more so when the scientific examination was sufficiently equipped to detect traces of poison even in a half-burnt body. In the said circumstances, the allegations to the extent that some poisonous substance had been administered to the deceased remains wholly uncorroborated. This also assumes considerable significance, particularly in view of the settled legal position that, in a case of death by poisoning based upon circumstantial evidence, detection or recovery of the poison constitutes a material link in the chain of circumstances. In *Rajendra Pralhadrao Wasnik v. State of Maharashtra*, 2024 INSC 156, the Hon'ble Supreme Court observed that recovery of traces of poison consumed by or administered to the deceased is of critical importance and forms a part of the chain of circumstances necessary to establish the prosecution case.

22. This next leads to the second aspect as to whether any medicine had actually been administered by Ranjit Singh. The specific case of the accused/appellant – Ranjit is to the effect that he is a Homoeopathic practitioner in Patiala and has no clinic in Chalaila. The said evidence has remained uncontroverted. It has also come forth from the evidence that till 7:00 AM in the morning, the deceased was present in Village Chalaila. There is no evidence as well to establish that the deceased travelled from Village Chalaila to Patiala in the early hours of the morning to take any medicine from appellant – Ranjit Singh and to have come back. It is although alleged that accused had come to the village at 6/7:00 AM on 19.05.1998 and on coming to know about Bhajan Singh being unwell, he asked the complainant as well as deceased to come with him and gave medicine. However, the evidence that Ranjit Singh had no clinic/practice in the village has not been corroborated or established. However, it is later said that accused came to the house of complainant after death of Bhajan Singh. No allegation or role was attributed to Karamvir Singh.

23. It also has come forth from the first version of the incident that the dead body of Bhajan Singh was recovered at 8:00 AM. Hence, within a period of 1 hour after leaving the house, he was found dead. The cremation took place at around 10:00/10:30 AM, i.e. within 2-2:30 hours of the death. No intimation was given by the complainant to the police about any unnatural death. The incident or things that transpired was also not narrated and no explanation has been given for the same.

24. Even though it is stated in the complaint that an application had been given by her to the Office of S.P., Patiala, however, no such document has been adduced in evidence on record to prove that any such application has been

moved. Besides, there was presence of all the family members at the time of death but none of the said members has been produced by the prosecution to prove as to whether the correct version of the incident had been recorded or not. While the complainant had alleged that her brother-in-law Bhan Singh had also accompanied her, but even said Bhan Singh did not give any whisper about the history as set out in the complaint. Significantly, her sister Gurmail Kaur was also a signatory to the inquest proceedings but the prosecution did not lead her evidence. No satisfactory explanation has been offered as to why she was not examined. Besides, the explanation offered by the prosecution is not satisfactory. There is no reason as to why she would not give the complete details to the police on the first available opportunity. Besides, it is highly unlikely that when she suspected the accused to have administered some poisonous substance, she would still be influenced by the accused and be convinced to cremate the body without intimation to the police.

25. Even otherwise, in the practice of homoeopathy, usually, whenever a patient is to be administered any medicine, a complete history is taken in record. On the basis of such history, a chart is prepared and thereafter, a combination of medicines is prescribed to be administered. Some dosage is also to be given to the patient to be taken at regular intervals over a period of time. There is, however, no residuary medicine that had been handed over by the complainant to the police or the investigating agency at the stage and time. Besides, no medicine has been recovered by the police as well. There is also nothing on record to establish that deceased was even unwell.

26. Even otherwise, the cause of death has remained unconfirmed. It is well settled that in a criminal prosecution alleging medical negligence, the

burden lies squarely on the prosecution to establish, beyond reasonable doubt, to prove both (i) an act or omission on the part of the accused, and (ii) that such act or omission constituted a gross and reckless departure from the standard of care ordinarily observed by the medical profession, and not a mere error of judgment. The Hon'ble Supreme Court in *Jacob Mathew v. State of Punjab, (2005) 6 SCC 1*, while distinguishing civil liability from criminal culpability, held that a doctor cannot be held criminally liable for negligence unless the negligence is of such a high degree as to be "gross" or amounts to recklessness, and that mere deviation from normal practice is not sufficient to fix criminal liability. The Court further emphasised that the standard of proof required in criminal negligence cases is markedly higher than in civil proceedings — the prosecution must establish guilt on a standard "near conclusive," with the benefit of doubt going to the accused, unlike civil cases where a mere preponderance of probabilities suffices as the persuasion of guilt in criminal negligence proceedings must be near conclusive beyond all reasonable doubt, with the benefit of doubt going to the accused, whereas civil proceedings only require a preponderance of probabilities. In the present case, with the very cause of death remaining unconfirmed, the prosecution has failed to discharge even the threshold burden of establishing a causal link between the treatment administered and the death, let alone the higher burden of proving gross negligence.

27. Assuming, without admitting, the allegations to be correct, the mere fact that a particular medicine did not suit the deceased, or that an adverse reaction followed its administration, cannot by itself be equated with medical negligence. It is settled law that expert medical opinion is indispensable to establish that the treatment or medication administered fell below the standard of

care recognised as acceptable by a responsible body of medical practitioners. In *Jacob Mathew v. State of Punjab (supra)*, the Supreme Court held that a doctor accused of negligence is entitled to the benefit of the Bolam standard, and that criminal prosecution against a medical professional ought not to proceed without an independent and competent medical opinion supporting the allegation of negligence the Court held that before initiating criminal proceedings against a doctor for medical negligence, the investigating authorities should obtain an independent and competent medical opinion. This principle was reaffirmed in *Kusum Sharma v. Batra Hospital & Medical Research Centre, (2010) 3 SCC 480*, where the Supreme Court held that an unsuccessful or adverse outcome of treatment does not, without more, amount to negligence, and that the burden rests on the complainant/prosecution to produce credible evidence — ordinarily through expert testimony — demonstrating that the conduct fell below that of an ordinarily competent practitioner in the field the complainant bears the burden of proving negligence, and the evidence must show gross or culpable negligence that no reasonable professional would have committed. In the present case, admittedly, no expert medical opinion has been brought on record by the prosecution to establish that the medicine prescribed, or the treatment administered by the accused/appellant – Ranjit Singh, was contrary to accepted medical practice or amounted to negligence. In the complete absence of such expert evidence, the charge of medical negligence against the appellant is wholly unsustainable in law.

28. It has also come forth from the evidence that the prosecution has adopted a shifting and self-contradictory stand regarding the motive attributed to the accused. While in the complaint it was alleged that the accused wanted to

take over the land of the deceased, the complainant has, in the same breath, specifically deposed that the deceased and her family were tenants on the land holding of Ranjit Singh himself — a position which is fundamentally irreconcilable with the assertion that the accused sought to grab land belonging to the deceased. Further, although a specific case has been set up that the deceased was the owner of approximately 2½ acres of land, no documentary evidence — such as revenue records, jamabandi, or mutation entries — has been placed on record to substantiate this claim of ownership, which itself was the foundation of the alleged motive.

29. It is well settled that motive assumes considerable significance in a case founded on circumstantial evidence, and where the motive set up by the prosecution is itself shown to be doubtful, inconsistent, or unsubstantiated, it seriously erodes the credibility of the prosecution's case as a whole. The Hon'ble Supreme Court in *Nandu Singh v. State of Madhya Pradesh*, (2022) LiveLaw (SC) 229, relying on *Anwar Ali v. State of Himachal Pradesh*, 1995 Supp (1) SCC 80 and *Shivaji Chintappa Patil v. State of Maharashtra*, (2009) 9 SCC 152, held that unlike cases of direct evidence, motive constitutes a crucial link in completing the chain of circumstances in a case of circumstantial evidence, and that the absence or infirmity of motive weighs in favour of the accused. Where the very premise of the alleged motive collapses for lack of proof, and where the prosecution's own witness gives mutually destructive versions on this material aspect, the motive cannot be said to have been established, and the prosecution's case suffers a fatal infirmity on this count as well. Thus, neither any specific act nor motive has been proved on record by the prosecution.

30. In the given circumstances, we do not find any infirmity in the judgment dated 19.03.2004 passed by Addl. Session Judge (Ad hoc), Patiala, in Sessions Case No.3T/FTC dated 06.02.2002/28.11.2003 arising from complaint under Section 302/201/34 of the Indian Penal Code, 1860, at Police Station Sadar, Patiala to the extent whereby respondent/accused – Karamvir was acquitted of the offences under Section 302 read with 34 IPC. Consequently, the Criminal Revision, i.e. CRR-2337-2004, is **dismissed**.

31. We find that the impugned judgment of conviction suffers from an infirmity in the conclusion drawn on conjectures and surmises with respect to the guilt of Ranjit Singh. The judgment dated 19.03.2004 passed by Addl. Session Judge (Ad hoc), Patiala, in Sessions Case No.3T/FTC dated 06.02.2002/28.11.2003 arising from complaint under Section 302/201/34 of the Indian Penal Code, 1860, at Police Station Sadar, Patiala, is accordingly set aside to the extent whereby respondent – accused Ranjit Singh has been convicted for offence 304-A & 201 IPC. Consequently, the Criminal Appeal, i.e. CRA-S-707-SB-2004 is **allowed** and the accused/respondent is accordingly acquitted of the charges.

32. Pending application(s), if any, shall also stand disposed of.

(VINOD S. BHARDWAJ)
JUDGE

(SUKHVINDER KAUR)
JUDGE

August 13, 2026
Sangeeta

Whether reasoned/speaking:
Whether reportable:

Yes/No
Yes/No