

CRM-M-35724 of 2016 (O&M)

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

**CRM-M-35724 of 2016 (O&M).
Date of Decision: October 19, 2016.**

Bhushan

.. Petitioner(s)

VERSUS

State of Haryana

.. Respondent(s)

*** * ***

CORAM: HON'BLE MR.JUSTICE M.M.S.BEDI

*** * ***

**PRESENT Mr.A.P.S.Deol, Sr. Advocate, with
Mr.Vishal Rattan Lamba, Advocate,
for the petitioner.**

Mr.Vikas Malik, DAG. Haryana.

**Mr.Naveen Chopra, Advocate,
for the complainant**

M.M.S. BEDI, J. (ORAL)

Petitioner seeks concession of pre-arrest bail in a case registered at the instance of Ranbir Singh alleging that his son Krish who was 7 years of age and was suffering from fever was taken to the petitioner's hospital, where the petitioner prescribed medicines and administered an injection but health condition of son of the petitioner deteriorated. The injection given by the petitioner allegedly reacted as a result of which son of the complainant was taken to PGIMS Rohtak, where during treatment he died. The allegation against the petitioner is

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that he gave wrong injection.

Counsel for the petitioner has vehemently contended that the petitioner himself is not a doctor and that his son Sandeep Saini and daughter-in-law Pushpa Saini are BAMS and qualified Registered Medical Practitioners. The son of the petitioner, Dr.Sandeep Saini, has been granted the concession of regular bail after his arrest. It has been urged by Mr.Deol, learned senior counsel appearing on behalf of the petitioner that after release of son of the petitioner on bail, steps have been taken to falsely implicate the petitioner though the petitioner had neither treated the son of the complainant nor he had administered any injection. Petitioner claims that he is not even a doctor.

State counsel as well as counsel for the complainant have vehemently opposed the application for pre-arrest bail contending that the complainant from the very beginning had levelled allegation against the petitioner of having administered an injection which reacted on account of negligence of the petitioner.

So far as the allegation of petitioner being not a doctor is concerned, a perusal of the police file indicates that the petitioner has been running a clinic under the name Dr.Bhushan Clinic.

Counsel for the complainant submits that it is the clinic of son of the petitioner being run in the name of the petitioner.

After hearing the counsel for the petitioner and counsel for the complainant as well as the State counsel, it appears that a controversy is raised whether the petitioner himself is a doctor or not

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but the allegation of the complainant from the very beginning is that it was the petitioner who had treated the son of the complainant. It will be pre-mature to express any opinion as to how initially the son of the petitioner has been involved and arrested. Whether it is the act of connivance of the investigating agency with the petitioner or that the petitioner has absolutely not indulged in any medical practice or whether he treated the son of the complainant, cannot be determined at this stage.

Prima facie, the allegations are serious wherein without having any licence for medical practice, the petitioner is alleged to have treated the son of the complainant and administered an injection which subsequently resulted in the death of son of the complainant.

I have also considered the contention of the learned counsel for the petitioner that only an antibiotic Zentamicine injection was administered. It will be pre mature to enter into the niceties of the trial, at this stage.

No extra ordinary exceptional circumstances exist to grant the concession of pre-arrest bail to the petitioner. The petition is dismissed.

Nothing said in this order will prejudice the right of the petitioner to seek concession of regular bail in accordance with law.

(M.M.S. BEDI)
JUDGE

October 19, 2016.

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Whether speaking / reasoned

Yes / No

Whether Reportable:

Yes / No