

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

**CRM No.A-1912-MA of 2017(O&M)
Date of decision : 14.05.2018**

Gurdas Singh

..... Applicant-appellant

versus

Dr.Jagmeet Kaur

..... Respondent

CORAM : HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Sahil Khunger, Advocate for the applicant-appellant.

SURINDER GUPTA, J. (Oral)

CRM-27910-2017

Heard. There is delay of 37 days in filing the appeal.

Learned counsel for the applicant-appellant submits that the appeal against acquittal was initially filed before the learned Additional Sessions Judge, Ferozepur but later on the applicant-appellant came to know that the same was to be filed before this Court and he did so. The application which is duly supported by an affidavit, is allowed and the delay of 37 days in filing the appeal is condoned.

CRM No.A-1912-MA of 2017

Heard. A complaint was initially filed by Naranjan Singh-complainant against Dr.Harbinder Singh, Dr.Rajinder Manchanda and respondent-Dr.Jagmeet Kaur with the allegations that Baj Singh son of Mangal Singh (brother of the complainant) died in their hospital due to their

negligence. Baj Singh was taken to Guru Ram Dass Hospital, outside Zira Gate, Ferozepur City as he was having pain in abdomen and was detected to be a case of stone in gall bladder. He was admitted in the hospital on 11.10.2003 for operation which was to be conducted on 12.10.2003 and on that day Dr. Rajinder Manchanda (since convicted) gave injection of anesthesia to Baj Singh who started trembling, upon which accused Dr. Harbinder Singh gave another injection to him. Allegations against respondent-Dr. Jagmeet Kaur are that she caught hold of Baj Singh. The condition of Baj Singh worsened and he died. Learned trial Court convicted Dr. Harbinder Singh and Dr. Rajinder Manchanda and acquitted respondent-Dr. Jagmeet Kaur with the observation 'no overt act of rashness or negligence has been attributed to Dr. Jagmeet Kaur either in the complaint or in the deposition of the witnesses examined by the complainant'.

Learned counsel for the appellant has tried to make out that respondent was also present in the operation theatre where Baj Singh had to be operated. She was a member of the team of doctors which was treating Baj Singh and as such was equally negligent with Dr. Rajinder Manchanda and Dr. Harbinder Singh. The trial Court has ignored above fact while giving her the benefit of doubt and acquitting her.

Learned counsel for the applicant-appellant has tried to make out from the statements of witnesses that Dr. Jagmeet Kaur was also negligent and is responsible for the death of Baj Singh, however, he could not point out any evidence to show that she had treated Baj Singh or administered any medicine to him. Merely because she is one of the doctors in the hospital is no reason to hold her guilty of negligence for the death of Baj Singh. I find no reason to interfere with the finding of the trial Court.

Consequently leave to appeal is declined and the appeal stands dismissed.

(SURINDER GUPTA)
JUDGE

14.05.2018
sunita

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No