

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

236

CRM-M-44235-2017

Date of Decision:12.07.2018

Satnam Sabrwal

.....Petitioner

Versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: None for the petitioner.

Mr. Surinder Pal Singh Tinna, Addl. A.G., Punjab.

Mr. Avtar S. Khinda, Advocate,
for respondent No.4.

HARI PAL VERMA, J.(Oral)

Petitioner has filed the present petition under Section 482 Cr.P.C. for issuance of directions to respondent Nos.1 and 2 to take legal action against respondent Nos.3 and 4 for committing medical negligence while giving treatment to him in their hospital i.e. M/s Hemkund Hospital (Pvt.) Ltd., Makhu Road, Lohian Khas, Jalandhar.

Power of attorney filed on behalf of respondent No.4 is taken on record.

In the petition, it has been pleaded that mother of the petitioner had filed a complaint to the SHO, Lohian, on 17.09.2009 against the said hospital. The petitioner also filed a complaint to the SSP (Rural), Jalandhar on 26.05.2017 against the said respondents, but no action has been taken on the said complaints.

Status report by way of affidavit of Sh. Gurpreet Singh Bhullar, Senior Superintendent of Police, Jalandhar Rural, District Jalandhar, has been filed, which is accompanied with the statement (Annexure R-1) of Satnam Sabrwal, petitioner, wherein he has stated that he will file a case in the competent court against the management of the hospital to get claim/compensation for the negligence on their part. In paragraph 7 of the status report, it has been submitted that mother of the petitioner namely Smt. Kamla has also submitted a complaint to the Director Health and Family Welfare, Punjab, and the said complaint was duly looked into by Dr. Harpal Kaur, Deputy Medical Commissioner, Jalandhar. The averment made in paragraph 7 of the reply reads as under:-

“That during enquiry, it has also been found that the mother of the petitioner namely Smt. Kamla also submitted a complaint to the Director Health and Family Welfare Punjab which was enquired into by Doctor Harpal Kaur, Deputy Medical Commissioner, Jalandhar. As per the report of Doctor Harpal Kaur petitioner could suffer effect on one leg only on account of injection, however both the legs of the petitioner are weak and cannot take the weight of the body. Doctor Harpal Kaur suggested to take opinion from medical and orthopedic specialists of some reputed hospital. The report of the enquiry officer (Doctor Harpal Kaur) and comments given thereon by the Civil Surgeon Jalandhar were considered by the Director Health and Family Welfare Punjab and the complaint was filed in his office vide endst. No. (1045) complaint/Punjab/2017/972-74 dated 05.04.2017. A copy of the above order passed by the Director Health and Family Welfare Punjab was also endorsed to the mother of the petitioner. After perusing the report of Doctor Harpal Kaur, Superintendent of Police, Investigation Jalandhar Rural requested the Civil Surgeon

Jalandhar 'vide his office memo No.2780/R/SPI dated 23.12.2017 to get the petitioner examined from medical and orthopedic specialist. Consequently the petitioner was examined by the medical specialist Doctor Tarsem Lal and Doctor Hardev Singh Orthopedic expert on 29.12.2017 and they submitted their report concluding therein that "the patient can suffer weakness of one leg on account of injection, however, at this moment, the petitioner is suffering from weakness of both legs and both arms, which cannot be caused on account of injection". Thus, it is quite apparent that the matter has been thoroughly enquired into by the enquiry officer and the allegations leveled by the petitioner in his complaint could not be proved during enquiry."

In view of the status report so submitted and the statement (Annexure R-1) made by the petitioner that he will file a case against the management of the hospital and will recover the expenditure and claim incurred on his treatment, this Court finds that no action is required to be taken by this Court in its jurisdiction under Section 482 Cr.P.C.

Dismissed.

July 12, 2018
seema

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No