

209

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

1.

CRM-M-17600-2019
Date of Decision : 01.10.2019

Sudhir Kumar

.....Petitioner

versus

State of Haryana

....Respondent

2.

CRM-M-38928-2018
Date of Decision : 01.10.2019

Pinki

.....Petitioner

versus

State of Haryana

....Respondent

3.

CRM-M-41496-2018
Date of Decision : 01.10.2019

Gaurav

.....Petitioner

versus

State of Haryana

....Respondent

4.

CRM-M-22328-2019
Date of Decision : 01.10.2019

Pinki

.....Petitioner

versus

State of Haryana

....Respondent

5.

CRM-M-22343-2019
Date of Decision : 01.10.2019

Gaurav

.....Petitioner

versus

State of Haryana

....Respondent

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Ganesh Chand Sharma, Advocate
for the petitioner.

Mr. Baljinder Singh Virk, DAG, Haryana
for the respondent-State.

Mr. Rajiv Kapila, Advocate
for the complainant.

FATEH DEEP SINGH, J. (ORAL)

Since, the bail application No. CRM-M-22328-2019 and its supplementary bail application No. CRM-M-22343-2019 pertaining to same very accused/petitioner under Section 438 Cr.P.C. are in the same very FIR and thus being not to supplant the previous bail application on account of addition of offence are being consolidated together.

Let arguments be heard.

Office to comply.

All the above detailed anticipatory bail applications having arising in the same very FIR on account of consanguinity of facts and law are being taken up and disposed off by this common order.

The facts detailed before this Court are that a middle aged patient, Anil Kumar was got admitted on 09.06.2018 at around 9:00 or 9:30 PM in Raj Nursing Home and on the same very day the patient died due to heart attack. The present petitioners happen to be the close relations/family members of the deceased patient and got agitated over the death. These accused persons numbering 50 armed with dangerous weapons, trespassed into the hospital and thereafter, the adjoining residential premises of the owner-doctor ransacked the hospital, broke the articles therein and physically

assaulted Dr. Rashid and his staff Jaini and Subhash while they molested the female staff breaking their medical apparatus leading to the registration of the present case.

Learned counsel for the petitioners has made forcible submissions that it was on account of gross intentional negligent act of the hospital, the patient was not given immediate medical aid resulting in his death. It is asserted that even the committee constituted to look into the working of the hospital has castigated the hospital on the grounds of lack of necessary medical equipment, aid and not adhering to the laid standards and as a consequence of which, the death has occurred in which FIR No.471 dated 10.06.1918 has been got lodged by the family of the deceased under Section 304-A of the Indian Penal Code.

On instructions from ASI Samay Singh, the learned State counsel assisted by learned counsel for the complainant have sought to oppose the grant of relief, firstly, on the grounds that the alleged FIR has been got lodged by the family of the patient has since been cancelled as there was no truth in it.

Consequently, it was submitted that it was a death on account of natural causes due to heart attack and nothing by way of negligence can be attributed to the hospital authorities and the manner, in which the accused have assaulted the doctors, hospital staff and ransacked the hospital as well as the respondents, are illustrative of the menace which is perpetrated by the accused and prayed for dismissal of the bail applications.

Going through the submissions and as is there before this Court and reflected in much abundance, no doubt, it is the failure of

the State in ensuring due maintenance and running of the hospitals in accordance with the laid standards. However, as is there the death being a natural consequences and as has been submitted before this Court much after the same, the manner in which the accused have assembled with their supporters numbering around 50, duly armed vandalizing the hospital and the articles lying therein and so, the nearby residence of the doctor too, assaulting the doctors, nurses and other staff of the hospital causing them injuries as well as molesting the females which cause much perturbation to the mind of this Court. It is a matter of common knowledge that such disgruntled elements in the society have formed a habit in assaulting, misbehaving with the medical staff who are there to render medical assistance and thus vent their anger without any substantial reason and cause and which has certainly becomes a matter of concern for the society at large. The recent national wide strike of the doctors seeking protection from such hooligans reminds the Court of the real scenario being faced by the nation in this context. In what has been there it is a fit case where the petitioners do not deserve any sympathies and their custodial interrogation is very much essential else it would send wrong signals to the society at large. Finding no merits all these bail applications stands dismissed.

The petition stands dismissed accordingly.

(FATEH DEEP SINGH)
JUDGE

01.10.2019
Neha

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No