

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

298)

CRM-M-39004 of 2019 (O&M)

Date of Decision: 11.12.2019

Mukhtiar Singh @ Mukhtar Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present : Mr.S.P. Soi, Advocate,
for the petitioner.

Mr.B.S. Sewak, DAG, Punjab.

Mr. L.S. Mann, Advocate,
for the complainant.

Amol Rattan Singh, J. (Oral)

By this petition, the petitioner seeks a fair investigation into his representations (Annexures P-6 & P-7), both addressed to the Senior Superintendent of Police, Jalandhar (Rural).

At the time when notice of motion was issued on 13.09.2019, the following order was passed :-

“Notice of motion.

Mr. Rajat Bansal, AAG, Punjab, accepts notice on the asking of the Court. Two copies of the petition be handed over to him.

The SSP (Rural), Jalandhar, is directed to go into the matter personally and to file a reply by way of his own affidavit by the next date of hearing, with Mr. Soi further having pointed

to the order passed by the learned Civil Court on 6.12.2018, dismissing the application filed by respondent No. 5- Gurdev Singh, under Order 39 Rules 1 and 2 CPC, in which suit the petitioner is seen to be the first defendant.

The SSP shall ensure that no police official summons the petitioner or visits his house with regard to the land and subject matter of the civil dispute, unless the petitioner has been arraigned in any FIR registered upto yesterday, i.e. 12.9.2019.

If however any such FIR already stands registered against the petitioner prior to yesterday, any summoning etc. shall be done only by following due process laid down in the Cr.P.C., failing which appropriate orders would naturally be passed by this Court, even invoking jurisdiction under the Contempt of Courts Act, 1971, if found warranted.

Adjourned to 18.10.2019.

The aforesaid stringent interim order has been passed on a specific contention raised very vehemently by learned counsel for the petitioner, to the effect that even after the petitioner had been admitted to hospital the day before yesterday, the DSP (respondent no.7) allegedly summoned him to his office and threatened him to hand over possession of the disputed suit property to respondent no.5, though of course no final comment on that allegation is made at this stage.

A copy of this order be given to learned State counsel, under the signatures of the Bench Secretary of this Court.”

Thereafter, on October, 18, 2019, upon an affidavit of the Senior Superintendent of Police, Jalandhar (Rural) having been filed, it had been directed that in the face of the order of a Civil Court declining interim injunction to respondent No.5, the police would not interfere in any manner unless a cognizable offence was made out at any stage, by any party, in which case the SSP himself would inquire into the matter and take action,

and that no action would be taken without the permission of the SSP, even if he had to be contacted during night hours. The petitioner had also been directed to appear before the Head of the Department of Orthopaedics in the PGIMER Chandigarh, with the learned Doctor asked to opine on the injuries, if any, on the petitioner and the likely duration of such injury.

Pursuant to that order, eventually on 09.12.2019, the report from the PGIMER, Chandigarh, had been received, stating therein that as per the X-ray report and the CT Scan report that the petitioner had produced before that hospital, there was a fracture on the 'lateral end of acromian' as also a fracture on the 10th rib, with the injury seen to be corresponding to swelling and tenderness. However, no approximate date of the injuries had been given by the HOD.

Consequently, learned counsel for the petitioner had been directed to produce in Court today the X-ray/ CT scan film showing such injuries (to determine the date given therein). Today, with those films produced, they are shown to be taken on 18.09.2019 at 2.40 p.m. He has also produced a report in respect of the said examination, conducted by the “Super Scanning and Diagnostics (P) Ltd.”, Jalandhar, on the same date, i.e. 18.09.2019, with the report on the X-ray of the right shoulder, showing that there was a displaced chip fracture of the “acromian”. Similarly, that report also shows a fracture of the 10th rib.

Mr. S.P. Soi, learned counsel for the petitioner, submits that in fact the Civil Hospital at Shahkot, as also the Civil Hospital, Jalandhar, did not investigate the petitioner's condition properly, and did not in fact take the X-rays as were required, with the petitioner therefore having to go to a

private Radio Diagnosis facility after discharge from the Civil Hospital at Jalandhar on 17.09.2019.

That being so, the I.G., Patiala Range, is directed to have the matter investigated from an officer at his discretion, taking into consideration the allegations made on both sides. If any action is found to be necessary to be taken against either any police officer for dereliction of duty, or against any hospital staff, including doctors for dereliction of their duty, that shall also be reported in the eventual report that is to be submitted to the IGP by the officer who he may appoint for such investigation.

The petition is disposed of in the aforesaid terms.

(AMOL RATTAN SINGH)
JUDGE

11.12.2019
Satyawar/dinesh

Whether reasoned/speaking: Yes
Whether reportable: No