

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

CRM-M-64697-2018

Date of decision: May 28, 2019

Baljit Kaur and others

....Petitioners

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Ravi Malhotra, Advocate
 for the petitioners.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer made in the petition is for issuance of directions to respondents No.1 to 3 to protect the life and liberty of the petitioner from the hands of respondents No.4 to 6.

On 10.5.2019, the following order was passed :-

“Reply on behalf of the Deputy Superintendent of Police, Circle Rajpura, District Patiala filed in the Court is taken on record.

Counsel for the petitioners has stated that despite the fact that the injured – Balbir was medico legally examined according to which he has suffered injuries but despite that fact the police has only registered a DDR under Sections 107/151 Cr.P.C. It is further argued that petitioner No.1/wife of the injured, has given a representation to the Senior Superintendent of Police, Patiala in which it is clearly stated that due to the injuries sustained by the injured, he has suffered 07 stitches on his head and after the MLR, he got his treatment from a private hospital and the police is not taking into consideration all these aspect.

In the affidavit of the Deputy Superintendent of Police, though it is admitted that the injured – Balbir Singh suffered injuries No.1 and 2 but it is stated that since the same were simple in nature and after the MLR, he left the hospital, therefore, only a DDR under Sections 107/151 Cr.P.C. was registered. It is further stated that though the offence under Section 323 IPC is made out but the same is not a cognizable offence.

The affidavit of the DSP is absolutely silent about taking into consideration the medical report of the petitioner from the private hospital where he was given treatment on account of the injuries sustained by him as well as the opinion given by the doctor.

List again on 28.05.2019.

The Deputy Superintendent of Police, Patiala is directed to look into the medical record and afford an opportunity of hearing to the petitioners and file afresh affidavit on or before the next date of hearing.”

Reply by way of affidavit of Deputy Superintendent of Police, Circle Rajpura has been filed in the Court today. As per the same, a Board of Doctors was constituted and the petitioner was directed to appear before the Board alongwith his medical reports of the private hospital.

The Board of Doctors has submitted its report dated 16.5.2019 and opined as under :-

“Patient was referred to Government Medical College/Rajindra Hospital, Patiala on 11.12.2018. NCCT examination was done. Registration No. of NCCT 60018 dated 11/12.2018. On NCCT examination no fracture seen. No surgical or any other procedure done. Patient left against medical advice on 11.12.2018 at 4.00 p.m.”

It is also stated in the affidavit that as per direction of this Court, Medical Officer of Sanjivni Hospital, Rajpura was requested to give the nature of injuries sustained by injured Balbir Singh and the following opinion was given :-

“Patient Balbir Singh s/o Sampuran Singh was admitted with laceration of scalp without any active bleeding without any loss of consciousness, no skeletal deformity in the nature of fracture was detected.”

In view of the above, counsel for the petitioner seeks permission to withdraw this petition with liberty to avail an alternative remedy, in accordance with law.

Dismissed as withdrawn with liberty aforementioned.

May 28, 2019
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(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No