

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

**CRM-M-13739-2020 (O&M)
Decided on : 13.08.2020**

Hasan Mohd.

. . . Petitioner(s)

Versus

State of Haryana and others

. . . Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. Mohammad Arshad, Advocate
for the petitioner(s).

Mr. Gurbir Singh Dhillon, AAG, Haryana.

Mr. Sarfraj Hussain, Advocate
for the complaint.

MANJARI NEHRU KAUL, J. (Oral)

Due to the outbreak of pandemic COVID-19, the instant case is being taken up for hearing through video conferencing.

The learned counsel for the petitioner has submitted that the Medical Officer from whom an opinion had been sought *qua* the nature of injury was not competent to declare the injury suffered by injured Daud as dangerous to life. He has further argued that the said injury could have been declared as dangerous to life only by a specialist/neurologist, who had treated him for the said injury. Hence, a medical board comprising of a neurologist and other specialist doctors be constituted for obtaining their opinion *qua* the nature of injuries suffered by injured Daud.

Learned State counsel as well as learned counsel for the complainant have opposed the submissions made by the learned counsel for the petitioner by submitting that the Medical Officer, who gave the opinion *qua* the nature of injuries suffered by injured Daud was a qualified doctor and therefore, fully competent to give his opinion.

Learned counsel for the complainant has further drawn the attention of this Court to the Haryana Medico Legal Manual, wherein, it is clearly stipulated that the Medical Officer concerned would be competent to give his opinion with regard to the nature of injuries suffered by an injured or deceased, as the case may be.

Heard.

The submissions and prayer made by the learned counsel for the petitioner for constitution of a medical board is bereft of any merit. It is a matter of record that soon after the occurrence in question, the injured witness Daud was referred from Government Hospital, Mandi Khera to Nalhad Hospital, Nuh, by the Medical Officer concerned for further treatment, where NCCT HEAD of injured Daud was performed. Subsequently, in view of NCCT HEAD report, he was referred to Safdarjung Hospital, New Delhi, where the injured Daud underwent a brain surgery. It is not disputed that the opinion of the Medical Officer concerned was obtained by the Investigating Agency on the basis of the Medical Reports including the x-ray reports, received from the Doctor, who had treated injured Daud at Safdarjung Hospital, New Delhi.

It is nobody's case, much less, the case of the petitioner that contradictory opinions had been given with respect to the nature of injuries sustained by injured Daud, either by the Medical Officer concerned or any of the doctors, who had treated him at Delhi. In the absence of any such contradictions *qua* the nature of injuries suffered by injured Daud, there would be no requirement to constitute a medical board of specialist to give an opinion *qua* the nature of injuries suffered by the injured Daud. Further, whether the injury has been wrongly or correctly opined to be dangerous to life would be a matter to be considered and appreciated at the time of trial when the evidence is adduced by

both the parties. It would be pertinent and relevant to observe that if the Medical Officer was competent enough to medically examine the injured Daud, on his admission in the Hospital soon after the occurrence in question and thereafter prescribe the treatment, then he would be competent enough to give his opinion with regard to the nature of injuries suffered by him and that too after considering surgical notes as well as other related medical reports pertaining to the treatment undergone by the injured Daud at Safdarjung Hospital, New Delhi.

No ground is thus made out, which would warrant the interference of this Court to exercise its inherent powers under Section 482 Cr.P.C. for constituting a medical board as prayed for.

Dismissed.

(MANJARI NEHRU KAUL)
JUDGE

August 13, 2020

J.Ram

Whether speaking/reasoned: *Yes/No*

Whether Reportable: *Yes/No*