

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

**CRM-M-19051-2019
Decided on : 31.01.2020**

Jobanjit Singh @ Joban @ Jogbanjit Singh

... Petitioner(s)

Versus

State of Punjab

... Respondent(s)

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

PRESENT: Mr. S.K. Sharma, Advocate
for the petitioner(s).

Ms. Devaki Anand Sullar, Asstt. AG, Punjab
assisted by ASI Takwinder Singh.

Mr. H.S. Randhawa, Advocate as *Amicus Curiae*
for the victim.

MANJARI NEHRU KAUL, J. (Oral)

Learned counsel for the petitioner submits that as far as the regular bail application is concerned, he may be permitted to withdraw the same, as the evidence before the trial Court has since been concluded and the trial is likely to conclude shortly.

Dismissed as withdrawn.

In the instant case, the complainant is a victim of acid attack, which was carried out on her on 14th September, 2018. On 20th January, 2020, the State was directed to file an affidavit, detailing therein whether compensation in terms of *Laxmi Vs. Union of India and others, 2015(2) Recent Apex Judgements (R.A.J.) 649*, had been paid to the acid attack victim or not. The said affidavit was also required to give details of the medical condition of the victim and requirement of further medical treatment/surgeries, if any, and the steps, which are being sought to be taken in that regard.

Pursuant to the above, a short reply by way of affidavit of Sh.

Shivdular Singh Dhillon, D.C., Amritsar, on behalf of Respondent No.1-State, has been filed by the learned State counsel in Court today. Same is taken on record, subject to all just exceptions. Office to tag the same at the appropriate place. A copy thereof has been supplied to the opposite counsel as well.

It has been stated therein that the interim compensation of ₹3,00,000/- has not yet been credited to the Bank account of the victim and shall be credited to her bank account as and when it is received from the Office of State Legal Services Authority.

It would be pertinent to refer to the directions of the Hon'ble Supreme Court rendered in ***Laxmi's case*** (supra), wherein, specific directions were issued to the effect that acid attack victims shall have to be paid compensation in the sum of ₹ 1,00,000/- within 15 days of the occurrence or of the fact being brought to the notice of the State Government or Union Territory, who would then facilitate immediate medical attention and expenses in the said regard. It was also directed that the balance sum of ₹ 2,00,000/- would be paid as expeditiously as possible and positively within two months thereafter to the acid attack victim.

In the case in hand, admittedly, the occurrence dates back to 14th September, 2018, when FIR No. 105, dated 14.09.2018, under Sections 326A, 34 IPC, was registered. Strangely, despite the FIR having been registered, no steps were initiated by the authorities concerned to award the interim compensation in the sum of ₹ 3,00,000/- to the victim, which reflects a casual and a lackadaisical approach, despite the fact that Chief Secretaries of the States and Administrators of Union Territories had been directed by the Hon'ble Supreme Court in ***Laxmi's case*** (supra) to ensure

compliance with the directions given by it.

As per the affidavit filed on behalf of the D.C., Amritsar, the acid attack victim, who was examined by a team of doctors headed by the Civil Surgeon, Amritsar, observed that there were well settled scar marks on right cheek extending up to right side of chin, anterior neck (causing mild linear contracture band), right side of neck and pre and post auricular area mostly at the margin of grafted skin. There was a well settled scar mark on the upper part of the chest also. There was also loss of right auricle with minimal cartilage remnants present.

As per the opinion received from the Medical Board, the victim has suffered loss of right auricle with the remnants of cartilage present only leading to disfigurement of the face, she needs total ear reconstruction and scar release to correct the contracture band on the neck, for which the expertise is available at the Department of Plastic Surgery, PGIMER, Chandigarh, which is at par with the facilities available abroad.

The Hon'ble Supreme Court of India in the same case i.e. ***Laxmi Vs. Union of India and others, 2015 AIR (SC) 3662***, clarified that the medical treatment to victims of acid attacks would include not only medicines, bed and food, but also reconstructive surgeries as per requirement.

In view of the aforementioned directives of the Hon'ble Supreme Court in ***Laxmi's case*** (supra), it is directed that the amount of ₹ 3,00,000/- be released by the Office of the State Legal Services Authority, without any further delay and as soon as possible, preferably within a period of four weeks from the date of passing of this order, and the amount be credited to the Bank account of the victim.

In accordance with the report of the Civil Surgeon, Amritsar, dated 27.01.2020, it is directed that the victim be referred to the Department of Plastic Surgery, PGIMER, Chandigarh, where she would be treated for auricle reconstruction as well as scar release and for correction of the contracture band on her neck, besides other surgeries and medical treatment, which she may require and may be advised.

It goes without saying that the entire expenditure on her treatment including her surgeries, medicines, bed and food etc. would be free of cost as per the directions of the Hon'ble Supreme Court of India rendered in ***Laxmi's case*** (supra). It is clarified that her treatment should be started without any further delay, as there has already been a considerable dithering in the matter. It is further clarified that Chief Secretaries of the States of Punjab and Haryana as well as the Adviser to the Administrator, UT, Chandigarh, shall make all endeavour to ensure that in such like cases, there should be compliance with the directions of the Hon'ble Supreme Court of India in letter & spirit.

A copy of this order be sent to the Chief Secretaries of the States of Punjab and Haryana as well as to the Adviser to the Administrator, UT, Chandigarh, for strict compliance with the directives issued by the Hon'ble Supreme Court of India in ***Laxmi's case*** (supra).

(MANJARI NEHRU KAUL)
JUDGE

January 31, 2020

J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*