

CRM-M-34016-2020(O&M)
Sachin Kumar vs. State of Haryana

IOIN-CRM-M-19820-2011 in
CRM-M-19820-2011
Rajpal @ Labh Singh and another
vs.
State of Haryana

Present: Mr. Namit Khurana, Advocate,
for the petitioner in CRM-M-34016-2020
for the applicant in CRM-28194-2020.

Mr. Ramandeep Partap, DAG, Punjab.

Mr. Pawan Girdhar, Addl.AG, Haryana.

Mr.Sukant Gupta, Addl.P.P., UT Chandigarh.

Mr. Arun Gosain, Sr. Govt. Counsel, UOI,
for CFSL, Chandigarh

Mr.Rahul Jain, Scientist, NIC.

All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the COVID-19 pandemic.

1. As regards the injuries on the person of the complainant, learned State counsel submits that in fact a medical board was constituted with the injuries examined and with the board, as also the Civil Surgeon, Yamunanagar, having certified to the effect that the injuries were simple, including the one on the head, caused by a blunt weapon.

Upon query to Mr. Girdhar, whether the injury shown in the photograph annexed with CRM-28194-2020, on the head of the complainant, can be said to have been caused by a blunt weapon, he submits that even in terms of what is contained in Modi's Legal Jurisprudence, such an injury on the scalp, though may give the impression of having been caused by a sharp edged

weapon, can easily be caused by a blunt weapon also, owing to the fact that there is hardly any flesh on the scalp and the skin is also very thin.

As regards the merits of the case in CRM-M-34016-2020, learned State counsel submits on instructions that the petitioner has joined the investigation and recovery of a *danda* has been made from him.

That being so, with the injuries also stated to be simple injuries even as per the board of doctors constituted, without making any comment on the actual merits of the case, which would be considered by the competent court as per the evidence gathered/led, the interim order passed in favour of the petitioner, Sachin Kumar, is made absolute.

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2. Pursuant to the earlier orders passed, Mr. Rahul Jain, Scientist in the NIC, is present and has submitted that as regards the funds to be released by the States of Punjab, Haryana and the UT Chandigarh, for the year 2020, such funds have been duly received in the month of June itself and as regards the funds to be released for the year 2021, the utilisation certificates have been submitted by the NIC to both the States as also the UT Chandigarh, and the date by which the funds for the next year are to be released, is December 31, 2020.

Consequently, that issue stands settled for the moment.

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3. As regards the issue of why the medico-legal report was hand written despite earlier an affidavit having been filed by the Additional Chief Secretary/Principal Secretary, Health, Haryana, to the effect that no hand written MLRs and post mortem reports are issued by the State, learned State counsel seeks further time to file an affidavit of the DGHS.

4. The Additional Chief Secretary, Health, Government of Haryana, is directed to file an affidavit, as to why, not just in this case but in other cases also, this court has been finding hand written medico-legal reports and post mortem reports coming up, too many of which are not legible.

Obviously it is not a question of simply compliance of orders earlier passed to ensure that the said reports are duly typed/computer printed, but for the practical reason that hand written reports are very often not legible and further, the scope for manipulation of hand written documents obviously cannot be ruled out, once there is no entry in the computer at any particular time and date, of that document.

5. As regards the UT Chandigarh, Dr. Sukant Gupta, learned Addl. P.P., points to the affidavit of the Dr. Amandeep Kang, Director, Health and Family Welfare, Chandigarh Administration, wherein five issues have been dealt with, which *prima facie* seem to have been satisfactorily dealt with, including the issue of recruitment of data entry operators on an *ad hoc* basis, where regular recruits are not immediately available.

Adjourned to 18.12.2020.

6. In the meanwhile, the affidavit filed by the Director, Health and Family Welfare, Chandigarh, be sent by Dr.Sukant Gupta to State counsel for Punjab and Haryana, who would go through the same and ensure that the affidavits to be filed on behalf of their respective States, deal with all the issues as have been dealt with in the affidavit of the Chandigarh Administration.

A photocopy of this order be placed on the file of the other connected case.

November 18, 2020

(AMOL RATTAN SINGH)
JUDGE