

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

201

CRM-M-15813-2021  
Date of Order: 17.01.2022

NAVRATTAN DEVGAN

..Petitioner

Versus

STATE OF PUNJAB

..Respondent

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Karanjit Singh, Advocate  
for the petitioner.

Ms. Monika Jalota, DAG, Punjab.

Mr. Gokul Chand Aneja, complainant in person.

**ANIL KSHETARPAL, J(Oral)**

The hearing of the case is being held through video conferencing  
on account of restricted functioning of the Courts.

On 13.09.2021, the following order was passed:-

*“Learned counsel for the petitioner has argued that petitioner's husband, namely, Dr. Parveen Devgan, alongwith Dr. Sita Sharma, had performed the surgery upon Mrs. Sunita Aneja on 01.10.2018, at Altec Hospital, Ranjit Avenue, Amritsar for removal of uterus but because of surgical complications, she was referred to DMC, Ludhiana, where unfortunately she died on 02.10.2018. He submits that the complainant (husband of the deceased) had alleged medical negligence as cause of death of his wife, whereupon the Medical Board was constituted to give an opinion. The said opinion reads as under:-*

**“Opinion of the Board:**

*After going through the statements of complainant, operating surgeons, anaesthetist, paramedical staff, administrator of Altec hospital, Amritsar, original treatment record of Altec Hospital, Amritsar and DMCH, Ludhiana and statement of Dr. Vikas Makkar, Nephrologist DMCH, Dr. Mrs. Neeraj Sharma, Professor Transfusion Medicine, GMC, Amritsar (Expert), committee concluded that surgery was performed by qualified surgeons and there is no evidence of lack of skill of infrastructure in this case.*

*Patient suffered a severe acute kidney injury which was evident from the first post operative day. As the post mortem examination was not done, and with conflicting evidence it was not possible to determine the exact etiology of this complication. But Committee is not satisfied with the standard of care provided to the patient, once the complication was diagnosed.”*

*He submits that the hospital is about 10 to 12 years old and has been performing well in the region and the petitioner being administrator has been falsely implicated for the offences punishable under Sections 420, 465, 468 & 471 of the IPC only on the ground that the High Risk Surgery Consent Form showing signatures of the complainant was actually never signed by him and the signatures are forged. He submits that there was only one surgery performed and for that the consent was obtained initially, therefore, there was no occasion to get this Form again signed from the complainant. According to him, the FIR was lodged after a long delay, and the case of the prosecution is based on documentary material, therefore, the custodial interrogation of the petitioner may not be necessary.*

*The prayer is opposed by the complainant, who appeared in person and argued that the hospital was not well equipped, much less with the presence of experts in the ICU and it resulted in the sad demise of his wife. According to him, the accused and the doctors described the surgery as a routine surgery, but because of their negligence, the patient died. He has relied upon the FSL report regarding his signatures on the High Risk Surgery Consent Form to contend that as per the report, his signatures are forged.*

*Learned State counsel, assisted by the ASI Jagbir Singh, has argued that in the FSL report dated 28.05.2020, prepared by Dr. Ashwani Kalia, Assistant Director Documents FSL, the definite opinion regarding forgery has not been given. He states that the detail scientific evaluation of this document is in progress to arrive at a definite opinion. He has further stated that the doctors, who performed the surgery upon the patient are not accused in this case.*

*After hearing the learned counsel for the parties and considering the fact that no offence punishable under Section 304-A IPC has been incorporated in the FIR, perhaps for lack of Post Mortem Report of victim, and the case of the prosecution relates to alleged forgery alone. During the course of hearing, it is not disputed by the complainant that the first Consent Form for surgery of his wife was signed by him, therefore, at this stage, the custodial interrogation of the petitioner does not seem to be necessary.*

*Adjourned to 20.12.2021.*

*Meanwhile, the petitioner shall join the investigation and would come present as and when called for and in the event of arrest, the petitioner shall be admitted to interim bail on furnishing personal and surety bonds to the satisfaction of Arresting/Investigating Officer. The petitioner shall also abide by the conditions as specified under Section 438 (2) Cr.P.C.”*

The petitioner has admittedly joined the investigation.

The first informant, who has appeared in person, submits that his signatures were forged on the consent form and the petitioner has given wrong information to the Medical Board about the employment of two doctors with MBBS qualification. He submits that thorough investigation is required to be conducted to discover the person who forged his signatures.

The correctness of the facts noted in the order dated 13.09.2021, are not disputed by the learned State counsel. On instruction from SI Waris Singh, the learned State counsel submits that the petitioner has already joined the investigation.

Keeping in view the aforesaid facts, the order dated 13.09.2021, is made absolute subject to the condition that the petitioner will continue to cooperate with the investigation as and when required.

Disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

**January 17, 2022**

*Ay/Chetan*

**(ANIL KSHETARPAL)  
JUDGE**

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No