

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

CRM-M-41584-2020 (O&M)
Date of Decision:- 14.2.2022

Baldev Singh Romana

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Nitini Jain, Advocate and
Mr. Ankush Aggarwal, Advocate for the petitioner.

Mr. M.S.Dullat, Addl. A.G. Punjab.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J.

1. The petitioner seeks grant of regular bail in a case registered against him vide FIR No.185 dated 10.10.2020 under Sections 269, 270, 307 IPC and Section 29 of the Drugs and Cosmetics Act, 1940 at Police Station Kotwali, District Bathinda.
2. The FIR in question was lodged at the instance of Civil Surgeon, Civil Hospital, Bathinda pursuant to an inquiry conducted by a three member Committee in the matter pertaining to transfusion of HIV positive blood to two patients. The report of the three member Committee constituted by Senior Medical Officer (SMO), Civil Hospital, Bathinda which comprised of three Medical Officers submitted its findings broadly to the following effect :-

- (i) that on 6.5.2020 Blood Bank, Civil Hospital, Bathinda, issued blood to be transfused to Rekha Rani who was getting treatment from Dr. Gurinder Kaur, Medical Specialist in Medical Ward. However, the said blood which had been taken from Blood Bag No. 2765 HIV +ve was infected blood. The blood had been issued by Richu Goyal, MLT (Medical Laboratory Technician) who was an out-sourced employee. The blood donor of the infected blood was Rajinder Kumar;
- (ii) that subsequently, on 3.10.2020, a minor girl, aged 7 years, namely Nimarpreet Kaur suffering from Thalassemia was also transfused infected blood donated by the same donor namely Rajinder Kumar. Even on the said occasion, the blood had been issued by Richu Goyal, MLT. During inquiry, it was held that the Blood Bank Incharge, Dr. Krishma Goyal, by not informing her superiors and keeping them in dark about the said facts was negligent and that infact in May 2020 itself she knew that Rajinder Kumar donor is HIV positive. It was found that she had not even informed the patient and had played with the life of patient;
- (iii) that the senior-most MLT namely Shri Baldev Singh Romana (petitioner) was also under suspicion inasmuch as his relation with Dr. Krishma Goyal and Richu Goyal, MLT were not cordial. Though, Baldev Singh Romana stated before the Inquiry Committee that he did not know donor Rajinder Kumar and was not having his mobile phone but it was found that it is Baldev Singh Romana himself, who had called Rajinder Kumar to the Blood Bank for

blood donation, while being aware that Rajinder Kumar is HIV positive. It was found that Baldev Singh Romana had made a call to Rajinder Kumar from his mobile phone No. 94176-81770 on 1.10.2020 at 11:45 a.m.;

(iv) that when the infected blood was transfused to minor Nimarpreet Kaur, then Baldev Singh Romana went to the Children Ward and all of a sudden took the blood bag from nurse Kuldeep Kaur informing her that the same was HIV positive. He got the blood tested without any authorization from superiors and himself went to the office of SMO with the blood report and blood bag and informed him that HIV positive blood had been transfused. It was found that Baldev Singh Romana had also committed a wrong by not timely informing his superiors about the transfusion of infected blood and in case he had done so, the horrifying incident could have been avoided; and

(v) that it was also reported that there was some irregularity in purchase of HIV kits as the Test Kits had been purchased from outside and regarding which it was recommended that a separate inquiry be conducted.

3. The learned counsel for the petitioner has submitted that the petitioner has no role whatsoever in the matter in hand and that it was the responsibility of Richu Goyal, MLT to ensure that the blood issued to the patient for transfusion is not HIV positive. It has been submitted that the infected blood as well as other blood was stored and kept separately and in these circumstances, it is Richu Goyal, MLT who was extremely negligent in her

conduct leading to transfusion of HIV positive blood to two patients. The learned counsel has submitted that the main accused i.e. Richu Goyal, MLT who was responsible for the issuance of the blood has already been granted interim bail by this Court vide order dated 24.3.2021 passed in CRM-M-43650-2020.

4. On the other hand, the learned State counsel has submitted that the complicity of the petitioner is clearly evident inasmuch as it is he himself who had called Rajinder Kumar to donate the blood though he was fully aware that he was HIV positive. He has submitted that although he stated falsely before the Inquiry Committee that he did not know Rajinder Kumar but the call details reflect that it is he who had called Rajinder Kumar by making a phone call from his own mobile phone. It has been submitted that it was for the purpose of settling some personal scores with Dr. Krishma Goyal and Richu Goyal that the petitioner intentionally got infected blood donated and transfused so that the persons who are incharge of the Blood Bank particularly Dr. Krishma Goyal and Richu Goyal are held responsible. The learned State counsel has, however, informed that the petitioner as on date has been behind bars since the last about 1 year and 4 months and that trial has not commenced so far.
5. I have considered rival submissions addressed before this Court.
6. It is indeed an unfortunate incident where two patients have been transfused with blood which was HIV positive. However, the question as to whether the same was done intentionally or was done on account of negligence is a question which would be debatable and can only be decided after evidence is recorded by the trial Court. In any case, the petitioner has been behind bars

for a substantial period of about 1 year and 4 months and is not stated to be involved in any other case. Conclusion of trial is likely to consume time as the trial has not commenced so far.

7. The petition, as such, is accepted and the petitioner is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate concerned.

14.2.2022

kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned
Whether Reportable

Yes / No
Yes / No