

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

CRM-M-44328-2022

Date of decision: 27.09.2022

Gurpreet Singh

.....Petitioner

versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE NAMIT KUMAR

Present: Mr. Sylvester Stephen, Advocate
for the petitioner.

Mr. Adhiraj Singh, AAG, Punjab.

NAMIT KUMAR, J. (ORAL)

In terms of order dated 23.09.2022, amended memorandum of parties has been filed in the Court and the same is taken on record. Office to tag the same at an appropriate place in the case file.

This petition has been filed by the petitioner under Section 482 Cr.P.C. for issuance of appropriate directions to the official respondents to initiate appropriate legal action including but not limited to, registration of FIR against the private respondents No.7 to 11 whose inaction and delinquency has led to the loss of life of the wife and unborn child of the petitioner. Further prayer has been made for issuance of appropriate directions to respondents No.2 to 6 to initiate appropriate legal action in the light and purview of the representations filed by the petitioner dated 18.08.2022 (Annexure P-8) and 26.06.2022.

Learned counsel for the petitioner refers to the report dated 31.08.2022 (Annexure P-10) and the relevant portion of the same is as under:-

Board is of opinion that:-

1. Though Patient Madhu was operated by a team of qualified doctors, Dr. Rakhi Sareen and Dr. BS Walia alias Dr. Bhupinder Singh Walia, Dr. Aishwaraya Joshi, Anesthetist, it was wrong on their part to operate upon the patient Madhu, which was a high risk pregnancy case having twin pregnancy {monochorionic diamniotic twins with low lying placenta, polyhydramnios, (Fetus A) and Mild Growth Retardation (Fetus B)} in M.S Hospital which lacked the facility of tertiary care centre and not fully equipped to handle high risk cases. The M.S. hospital does not have qualified doctors to manage the patient post operatively, no critical care specialists, no pediatricians and no ambulance facility to shift the patient. Dr. Rakhi Sareen and Dr. BS Walia should not have left the patient in the hospital as she was bleeding post operatively.
2. Mrs. Sukhwinder Kaur is an ANM by qualification and is not qualified to examine a pregnant patient or conduct deliveries on her own. She has illegally used the letter pad of Dr. Meenu Sharma for her own personal interests. She should have referred the patient Madhu w/o Gurpreet Singh who was a high risk pregnancy to a tertiary care center/Hospital in time. She is guilty of wrongfully admitting deceased Madhu, a high risk pregnancy case and getting her surgery done in MS Hospital which is not adequately equipped to deal with such cases. Strict necessary legal action may be taken against her.
3. Dr. Meenu Sharma, BAMS is advised not to use the term "Consultant Gynaecologist" on her letter pad as she does not have the requisite qualification/degree. She is also warned not to advise ultrasound to patients without a proper physical examination and to ensure complete safety of her letter pad to prevent its unauthorized misuse.
4. Dr. Bhupinder Singh Walia alias BS Walia, Associate Professor, Department of Surgery, Government Medical College, Amritsar, and Dr. Aishwarya Joshi, Senior Resident, Department of Anesthesia, Government Medical College, Amritsar are advised not to indulge in private practice, which is against the rules for the government employees. Director Principal, Government Medical College, Amritsar should be informed for taking necessary disciplinary action against both these employees.
5. Registrar Punjab Medical council should be informed to take necessary action against Dr. Rakhi Sareen having PMC-40392 a private practitioner for conducting cesarean in a hospital which lacks necessary qualified staff and infrastructure.
6. Dr. Mandeep Singh who said to be a BAMS doctor and being owner and incharge of M.S. Hospital, Tarn Taran road, Amritsar is also responsible for running the hospital which do not have qualified doctor and other infrastructure. So, legal action should be taken and hospital should be shut down.
7. Mr. Gurpreet Singh s/o Sukhdev Singh, husband of deceased Mrs. Madhu, resident of village Ibban Kalan, Amritsar is an educated person and works in Police Department under Punjab Government. He is also responsible to some extent. He got his wife Madhu's antenatal checkup done from Mrs. Sukhwinder Kaur A.N.M. Throughout her pregnancy. He got his wife's ultrasound done several times and was aware that Madhu is a high risk pregnancy case which he has admitted in his written statement to the medical board of this office. He, on advice of Mrs. Sukhwinder Kaur ANM only once showed his wife to a Gynecologist doctor at Sri Guru Ram Dass Hospital, Vallah, Amritsar and there after never got his wife examined from a qualified gynecologist doctor.

Learned counsel for the petitioner submits that in spite of the representation dated 18.08.2022 (Annexure P-8) addressed to the Director General of Police, Punjab, Chandigarh, and forwarded to the Deputy Commissioner of Police, Amritsar, no action has been taken yet.

Accordingly, without commenting upon the merits of the claim of the petitioner and even the assertions set out in the petition, the present petition is disposed off with a direction to Deputy Commissioner of Police, Amritsar that if any such representation, as indicated above, is indeed pending consideration, it shall be dealt with expeditiously in accordance with law by passing a speaking order, preferably within six weeks from the date of receipt of certified copy of this order and conveying the same to the petitioner.

Office is directed to send the representation (Annexure P-8) along with this order to Deputy Commissioner of Police, Amritsar.

The present petition stands disposed of accordingly.

27.09.2022
Neha

(NAMIT KUMAR)
JUDGE

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