

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

Sr. No.238

Case No. : CRM-M-3205-2022

Date of Decision : February 22, 2023

Sudarshan Kumar

.... Petitioner

vs.

State of Punjab and others

.... Respondents

CORAM : HON'BLE MR. JUSTICE GURBIR SINGH.

* * *

Present : Mr. Jaideep Verma, Advocate
for the petitioner.

Mr. G. S. Shergill, AAG, Punjab.

Mr. Jitender Singh Dadwal, Advocate
for respondents no.7 to 9.

* * *

GURBIR SINGH, J. :

This is a petition under Section 482 Cr.P.C. for issuance of directions to respondents no.1 to 6 for registration of case against respondents no.7 to 10 and their companions and entrust the investigation to a higher officer as due to political interference, there is pressure upon the petitioner to compromise the matter and withdraw the complaint. Further prayer to protect the lives and liberty of petitioner and his family members has also been made.

Pursuant to the order dated 15.11.2022, passed by this Court, fresh Status Report by way of affidavit Ravcharan Singh Brar, PPS, Joint Commissioner of Police (Rural), Ludhiana, has been filed today in Court on behalf of respondents no.1 to 5, which is ordered to be taken on record.

It is mentioned in the Status Report that ASI Resham Singh was found negligent for conducting faulty investigation of the FIR registered at the instance of the petitioner. Therefore, as per order dated 16.12.2022 passed by the Commissioner of Police, Ludhiana his one year's approved service has been forfeited.

Medico Legal Report of the petitioner (Annexure P-1) shows six injuries on the person of the petitioner. Injuries no.1, 2, 3, 4 and 5 were kept for surgical opinion and injury no.6 was kept for X-ray with eye opinion. Photographs of the injured were also placed on the file.

Along with Status Report, a copy of the application has been annexed as Annexure R-2/T, which has been written to Senior Medical Officer, Ludhiana on 26.02.2022, seeking opinion of injuries sustained by the petitioner. On the said letter, it was opined as under :-

*“In above said MLR, no Surgical
Opinion for Injury No.1, 2, 3, 4 and 5 received till
date.”*

Learned counsel for the petitioner submits that he would be satisfied if Medical Board is constituted to examine the petitioner for injuries suffered by him and medical opinion be given by the Board of Doctors.

On the other hand, learned counsel for respondents no.7 to 9 states that the challan has already been presented. Since there is no prayer in this petition for constituting Medical Board, no such direction can be given. The petitioner has lodged the false FIR. The petitioner wants

medical opinion just to fill lacuna.

Heard.

In this case, challan is already presented but no opinion has been obtained from Medical Officer regarding the nature of injuries. Even Investigating Officer is punished for performing his duties negligently in conducting the investigation of this case. A copy of the order passed by Commissioner of Police, Ludhiana, punishing the officer concerned for conducting false investigation is Annexure R-1/T. A letter was sent to Senior Medical Officer, Civil Hospital, Ludhiana (Annexure R-2/T) for giving opinion regarding injuries suffered by the petitioner but in vain.

Keeping in view all the facts and circumstances of the case and in the interest of justice, the instant petition is disposed of with a direction to Senior Medical Officer, Civil Hospital, Ludhiana to give opinion regarding injuries suffered by the petitioner, as mentioned in the MLR (Annexure P-1), and if necessary, Medical Board be also constituted.

Needful be done within three weeks positively.

The petition stands disposed of in the above terms.

However, nothing contained herein above shall be construed as an expression of opinion on the merits of the case.

February 22, 2023
monika

(GURBIR SINGH)
JUDGE

Whether speaking/reasoned ?	Yes/No.
Whether reportable ?	Yes/No.