

1112024:PHHC:012229

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-4716-2024

Date of Decision: January 30, 2024

HASAM.....Petitioner

Versus

STATE OF HARYANA AND OTHERS.....Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Arjun Singh Rai, Advocate and
Mr. Vipul Sharma, Advocate for
Mr. Kunal Dawar, Advocate for the petitioner.

Mr. Rajiv Sidhu, DAG, Haryana.

HARKESH MANUJA, J. (ORAL)

By way of present petition filed under Section 482 CrPC, prayer has been made for issuance of directions to respondents No.2 and 3 to take fresh medical opinion relating to the head injury sustained by the petitioner in FIR No.259 dated 06.08.2023 registered under Sections 148, 149, 323, 452 and 506 IPC at P.S. Punhana, District Nuh, Haryana.

2. Notice of motion.
3. Mr. Chetan Sharma, DAG, Haryana accepts notice on behalf of respondent-State.
4. I have heard learned counsel for the parties and gone through the paper-book.
5. A perusal of Annexure P-3 (Page-22) shows that the opinion was obtained by Investigating Agency from a Medical Board consisting of the following members:-

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Dr. Dinesh Kumar,
General Suregeon,
C.H. Mandikhera

Dr. Praveen Raj,
Medical Officer,
C.H. Mandikhera

Dr. Trilok Singh,
Anaesthesiologist,
C.H. Mandikhera

6. It is incomprehensible that the injury No.1 which has been declared as grievous in nature is a fracture of occipital bone, however, none of the members of the Medical Board was expert in Neurology. Once the injury happens to be on the occipital bone, for the purpose of rendering expert opinion, one of the members of the Board should have been a Medical Officer relating to the same field/expertise.
7. Considering the aforesaid, the respondents No.2 and 3 are directed to get fresh opinion from an expert Medical Board as regards the injury No.1 upon the person of the petitioner with inclusion of one Medical Officer having expertise in the neurology/head injury.
8. Accordingly, the present petition stands disposed of.

30.01.2024

Tejwinder

(HARKESH MANUJA)

JUDGE

Whether speaking/reasoned	Yes/No
Whether Reportable	Yes/No

