

2024:PHHC:145303



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-54446-2024
DECIDED ON: 07.11.2024

HARBILAS BANSAL
.....PETITIONER

VERSUS

STATE OF PUNJAB AND ORS.
.....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Vishavdeep Singh Rana, Advocate and
Mr. Kerrein Sharma, Advocate
for the petitioner.

Mr. Deepinder Brar, Sr. DAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. The jurisdiction of this Court has been invoked under Section 528 of BNSS 2023 for issuance of direction to respondents No.1 to 4 to submit status report after taking immediate remedial action as per law on representations dated 02.09.2024 (Annexure P-11) and 15.10.2024 (Annexure P-12).
2. In continuation to the proceedings dated 04.11.2024, Mr. Sartaj Singh Chahal, Senior Superintendent of Police, Sangrur has come present and filed a status report dated 06.11.2024 by way of his own affidavit on behalf of respondents No.1 to 4.
3. A perusal of the said report would indicate that after receipt of the complaint, the inquiry was marked to Superintendent of Police (Investigation) Sangrur and subsequent representation made on behalf of the

petitioner was entrusted to the Deputy Superintendent of Police, Sub Division Rural Sangrur to verify the facts and to submit the report.

4. It is revealed from the said status report that in view of the notification issued by Punjab Government dated 22.05.2017, a Board of Doctors was ordered to be constituted at the end of Chief Medical Officer (Sangrur).

5. The Superintendent of Police (Investigation) Sangrur submitted its report to the Senior Superintendent of Police informing that statements of complainant and other persons has been recorded during the course of inquiry and Medical Board was constituted vide order dated 22.10.2024, which consisted of Civil Surgeon, Sangrur, Surgical and Anesthetic Specialist, Government Medical College Patiala, Surgeon and Anesthetic Specialist, District Hospital, Sangrur, Forensic Expert, Government Medical College, Patiala and Assistant Civil Surgeon, Sangrur.

6. The Senior Superintendent of Police in his affidavit vide para 6 after reproduction of the notification dated 22.05.2017 has deposed that now the report of Board of Doctors has been received vide letter No.Steno/ACS/24/281 dated 05.11.2024, which is now being inquired and further action will be taken in accordance with law.

7. At this stage, Ms. Tanu Bedi, Advocate has put in appearance on behalf of respondent No.5 and files her Power of Attorney, however, no formal notice was issued to respondent No.5, but in the larger interest, opportunity of submissions was provided to her, who vehemently asserted that there is no case made out of medical negligence and on facts tried to argue for convincing the Court on a particular fact i.e., Anesthesia record at Annexures P-7 & P-10.

8. This Court though, not inclined to enter into the factual issues, which are disputed and needs to be tested in the investigation by the respondent No.1 to 4.

9. At this stage, Mr. Deepinder Brar, Sr. DAG, Punjab informs the Court that today itself an FIR bearing No.190 dated 07.11.2024, under Sections 336(2), 336(3) and 340 of BNS, 2023 has been registered. A copy of which has been produced and the same is taken on record as Document 'A'.
10. Since the FIR stands registered, learned counsel for the petitioner is satisfied and submits that he does not want to pursue the instant petition any further, which has been rendered infructuous, in the light of stand taken by learned State counsel.
11. Hence, the present petition is ordered to be disposed off, as having become infructuous.

07.11.2024
Meenu

(SANDEEP MOUDGIL)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>