

Neutral Citation No. 2025:PHHC:032896

210 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-11761-2025
DECIDED ON: 07.03.2025

VEER SINGH @ DOCTOR VEER SINGH

.....PETITIONER

VERSUS

STATE OF HARYANA

.....RESPONDENT

CORAM: HON'BLE MR. JUSTICE SANDEEP MOUDGIL

Present: Mr. Lakhwinder Singh Lakhanpal, Advocate
for the petitioner.

Mr. Jaspal Singh Guru, AAG, Punjab.

SANDEEP MOUDGIL, J (ORAL)

1. **Relief sought**

The jurisdiction of this Court has been invoked for the second time under Section 483 of B.N.S.S seeking grant of Regular bail to the petitioner in FIR No.0182 dated 24.08.2022 under Sections 304/420 IPC and Section 15 of the Indian Medical Council Act, 1956 registered at P.S Hakima, District Police Commissionerate Amritsar.

2. **Facts**

Prosecution story setup in the present case as per the version in the FIR as under:-

“Application No. 285-COP dated 30.03.22 after enquiry along with enquiry report was received from Hon'ble Commissioner Sahib through post at Police Station, the contents of which are, "To, The Hon'ble DSP Sahib, Punjab Police, Amritsar, Subject -

Complaint for registering FIR against Vishal Hospital's Dr. Vishal for being negligent in duty during the delivery of my wife Pinky and who is responsible for her death. Sir, it is humbly submitted that I, Manpreet Singh S/o Dilbagh Singh is resident of Fatahpur Jhabbal Road, Amritsar and submits as follows that for the delivery of my wife Pinky, Rupinder Kaur (Ruby) who do the work of Dai, she had contacted us and had got admitted in Vishal Hospital, Naiyan Wala Mod, Domganj, Amritsar for treatment. 2. That as per the instructions of the doctor Rs. 11500/- was got deposited. 3. That after depositing the amount Dr. Vishal had taken my wife in his operation theater for operating the delivery. 4. That with regard to major operation of my wife's womb, he had taken out my wife Pinky's uterus without asking my whole family due to which reason the doctors failed to stop my continuous bleeding and due to which reason she had died. 5. That my happy settled family has got unsettled due to the death of my wife because due to the death of my life partner my children's future has ended. 6. That my children have been bereaved from their mother's love due to the negligence of the doctor and my family is in a big shock due to this mishap. 7. That if any further mishap occurs to me or my any family member due to this death then Dr. Vishal and the whole staff will be responsible for it also. 8. That my wife Pinky has died due to negligence/failure of Dr. Vishal. Therefore, I demand from the administration that as per the Act of the Indian Constitution, an FIR may be registered against this doctor because Dr. Vishal is an ineligible doctor and neither he is competent for practicing this profession. Therefore, Vishal Hospital may be ceased and I may be given my rightful. If I won't get my rightful then I will file case in the Hon'ble Judiciary (Court) for taking justice for my wife Pinky. Thanking you, Yours faithfully, Manpreet Singh S/o Dilbagh Singh R/o Fatahpur Jhabbal Road, Near Sri Gurdwara Sahib Moti Mehra, Amritsar, Mobile No. 84272-28789. Note:- Vishal Hospital's

doctor Dr. Vishal's medical degree and hospital's license may be checked and how much experience Dr. Vishal has after doing how many years of course.”

3. **Contentions**

On behalf of the petitioner

Learned counsel for the petitioner contends that the petitioner has been falsely implicated in the present case, as he was doing the job to autoclave/sterilize the gowns, sheets, surgical instruments of the operation theatre and no further duties were assigned to him. He further submits that initially no allegations were made against the present petitioner and the entire allegations had been made against the main accused Dr. Vishal Kundra, who happens to be the owner of the said hospital, where the wife of the complainant was initially admitted and operated. Further contention is that the entire grievance of the petitioner is against Dr. Vishal Kundra, who in order to save himself shifted the entire onus/blame upon the present petitioner.

On behalf of the respondent-State

Learned State counsel has filed custody certificate of the petitioner today in Court, which is taken on record. He prays for dismissal of the grant of regular bail to the petitioner on the ground that the trial is at fag end, as out of total 31 prosecution witnesses 21 witnesses have been examined and 08 witnesses have been given up, meaning thereby, only 02 witnesses have remained to be examined.

Heard learned counsel for the parties at length and meticulously gone through the record in hand.

5. **Analysis & Conclusion**

According to the allegations set forth in the First Information Report (FIR), the petitioner, who is not a qualified medical professional, was summoned by the primary accused, Dr. Vishal Kundra, to assist in performing surgery on the deceased. The deceased was subsequently taken to the operation theatre, where her uterus was removed without the consent of her family members. This unauthorized act led to excessive bleeding, which the medical personnel failed to control, ultimately resulting in the death of the deceased. As such, the petitioner appears to have been actively involved in the commission of the offence.

Furthermore, only two witnesses remain to be examined in the case, suggesting that the conclusion of the trial is imminent and will likely not take much more time. In light of this, if the petitioner is granted bail, there is a significant risk of tampering with the prosecution's evidence, which could adversely affect the progress and fairness of the trial.

Hence, in the light of above stated facts and circumstances, this petition is *sans* merit and is hereby dismissed.

However it is made clear that the observations made herein above shall have no bearing in the mind of the trial court while adjudicating the matter in accordance with law.

(SANDEEP MOUDGIL)
JUDGE

07.03.2025
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Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*