



**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-49335-2025

Date of decision: 04.09.2025

SHIV KUMAR

....Petitioner

Versus

STATE OF HARYANA AND ANR.

....Respondents

CORAM:- HON'BLE MS. JUSTICE RUPINDERJIT CHAHAL

Present:- Mr. Rishabh Jain, Advocate for the petitioner.

.....

RUPINDERJIT CHAHAL, J. (ORAL)

1. Instant petition under Section 528 BNSS, 2023 has been filed for setting aside the impugned order dated 22.04.2025 (Annexure P-1) passed by learned Additional District and Sessions Judge, Palwal and order dated 03.01.2024 (Annexure P-2) passed by learned Judicial Magistrate Ist Class, Hodal in case FIR No.245 dated 27.08.2023 registered under Sections 148, 149, 323, 325, 452, 506, 427 IPC at P.S. Hassanpur, District Palwal vide which the application for re-medical examination of the injured brother of the petitioner was dismissed.

2. The brief facts of the case are that the petitioner's injured brother namely Hari Mohan was brutally assaulted with deadly weapons on 22.08.2023 by accused persons resulting in grievous injuries. Accordingly, an FIR was registered against the accused persons. The brother of the petitioner was initially examined at Civil Hospital, Palwal where the doctor opined that injury No.1 was dangerous to life and thereafter the police sought opinion of Board of Doctors constituted at Civil Hospital, Palwal which by majority opined that nature of injuries is grievous but not dangerous to life.



3. Aggrieved of the contradictory medical opinion, petitioner moved an application before the learned Judicial Magistrate Ist Class, Hodal seeking re-medical examination by an independent board of doctors from PGIMS Rohtak or AIIMS Delhi. The said application was dismissed vide order dated 03.01.2024 (Annexure P-2). Feeling aggrieved by the said order, the petitioner filed a revision petition against the aforementioned order and vide order dated 22.04.2025 (Annexure P-1) passed by the learned Additional Sessions Judge, Palwal the same was dismissed thereby upholding the order of learned Judicial Magistrate Ist Class, Hodal.

4. The aforementioned orders are under challenge in the present petition.

5. Learned counsel for the petitioner contends that learned Judicial Magistrate Ist Class, Hodal has wrongly dismissed the application for re-medical examination of injured Hari Mohan moved by the present petitioner and the learned Additional Sessions Judge, Palwal has also wrongly dismissed the revision petition filed against the order passed by the learned Judicial Magistrate Ist Class, Hodal. He further argued that the learned Magistrate has not appreciated that there were contradictory medical opinions in the present case. He argued that initially the injured was medico legally examined by M.O. Civil Hospital, Palwal in which it was observed that the injured had suffered 10 injuries and the Medical Officer had given opinion that injury No.1 is dangerous to life but despite this fact the police had not added Section 307 IPC. The police had sought opinion of Board of three doctors of Civil Hospital, Palwal. Out of three doctors, two doctors opined that injury is grievous in nature but not dangerous to life and one doctor opined that injury is dangerous to life hence, it was necessary to constitute a Board of doctors of PGIMS, Rohtak or AIIMS Delhi to get opinion qua the nature of injuries.



6. Notice of motion.
7. Mr. Neeraj Sheoran, Sr. DAG Haryana on advance notice appears on behalf of the respondent-State and accepts notice and submits that in view of the categoric opinion of the medical board of Civil Hospital, Palwal, no further re-examination or opinion is required.
8. I have heard learned counsel for the parties.
9. It is an admitted fact that the petitioner’s brother namely Hari Mohan was initially examined on 22.08.2023 by M.O. Civil Hospital, Palwal. After opinion by the Medical Officer, the police also took opinion of Board of three doctors of Civil Hospital, Palwal and vide Annexure P-5, Dr. Sandeep Soni and Dr. Mahender Singh opined that the nature of injury is grievous in nature but not dangerous to life whereas Dr. Ravinder opined as nature of injury dangerous to life. The majority doctors gave opinion that the injury is not dangerous to life. There is no ambiguity in the opinion of the doctors. In these circumstances, there is no further requirement of medical examination of the brother of the petitioner or for obtaining another medical opinion. The impugned orders are well reasoned and does not require for any interference.
15. In view of the foregoing discussion, this Court finds no merit in the present petition, and the same is accordingly dismissed.

04.09.2025

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- i) Whether speaking/reasoned?
ii) Whether reportable?

(RUPINDERJIT CHAHAL)
JUDGE

Yes/No
Yes/No