



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

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CWP-1214-2026 (O&M)**Date of Decision: 23.03.2026**

VIJAY KUMAR

...Petitioner

Vs.

STATE OF HARYANA AND ORS.

...Respondents

CORAM:- HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Munfaid Khan, Advocate for petitioner

Mr. Deepak Vashisht, DAG, Haryana

JAGMOHAN BANSAL, J. (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of inquiry report dated 08.01.2025 prepared by respondents No.4 and 5 with respect to death of petitioner's mother.

2. The petitioner's mother, namely Smt. Daya Wati who was 66 years old, slipped in the bathroom on the night of 19.08.2023. Her leg was fractured. She was brought to Ortho hospital of Dr. Pankaj Tuli located at Sector 55, Faridabad. The petitioner deposited a sum of Rs.90,000/- with the hospital. Patient was sent to QRG Medicare Limited for medical tests which were found normal. Petitioner and his mother signed few blank papers and she was brought to operation theatre at 04:00 PM on 22.08.2023. Petitioner was informed by Dr. Pankaj Tuli that by mistake overdose of anesthesia has been administered to patient, thus,

her blood pressure has gone down. He called police. Dr. Pankaj Tuli informed the Police Officials that condition of patient is normal. His mother was declared dead at 11:30 PM. As per medical certificate, cause of death was declared 'fracture'. Post-Mortem was conducted on 23.08.2023. The Police recorded statement of Dr. Pankaj Tuli who disclosed that patient died due to cardiac arrest. He did not disclose that Dr. Rajesh Sharma was present there who administered overdose of anesthesia. The petitioner under Section 200 of Cr.P.C. approached Magistrate for initiating criminal proceedings. Police filed reply stating that action would be taken after pathology report. An FIR No.48 dated 20.01.2024 was registered against Dr. Pankaj Tuli, Dr. Rajesh Sharma, Dr. Gayatri and other hospital employees. As per information under RTI, Ortho Hospital was being illegally operated in residential area. As per viscera report dated 30.04.2024 pieces of lungs, liver, kidney were examined but petitioner's contention that death had taken place due to overdose of anesthesia was not examined. In the FSL report, question of overdose of anesthesia has not been acknowledged. Civil Surgeon, Faridabad constituted a Medical Negligence Board. The said Board fixed inquiry on 30.08.2024, 20.09.2024 and 24.12.2024. Petitioner appeared before the Board and explained reason of death of his mother. He moved application before different authorities expressing his concern that Viscera Report and FSL Report are unsatisfactory and inconclusive. Respondents No.4 and 5 prepared inquiry report dated 08.01.2025 whereby Board opined that there was no medical negligence. The patient was treated as per standard treatment protocols. As per petitioner, proper

investigation was not carried out. The respondents are in connivance of each other and trying to save doctors. The Investigating Agency in its reply filed before this Court in CRM-M-7500-2024 titled as Pankaj Tuli and Others Versus State of Haryana and Others has disclosed that cancellation report is being prepared on the basis of report of Board.

3. Learned counsel for the petitioner submits that petitioner was not associated in their inquiry. He was not granted opportunity to cross examine witnesses. He was claiming that patient was given overdose which resulted in her death. The Board of Doctors did not examine said aspect and concluded in favour of erring hospital.

4. On the basis of petitioner's complaint, FIR was registered. A Board of Doctors enquired the matter. He also approached Magistrate under Section 200 CrPC. He claims that Board of Doctors did not prepare report as per his allegations. There was connivance between officials and Doctors of the Hospital. Actual issue involved was not considered. Documentary evidence has not been appreciated. Viscera and FSL report do not disclose percentage of overdose.

5. The issues raised by petitioner are purely disputed questions of fact. These issues can be examined either by Civil Court or by Criminal Court. The petitioner has also remedy to approach Consumer Forum. This Court while exercising powers under Article 226 of the Constitution of India cannot opine on the report prepared by Board of Doctors.

6. Disposed of with liberty to avail remedies as permissible by law.

7. Pending Misc. application(s), if any, shall also stand disposed of.

(JAGMOHAN BANSAL)
JUDGE

March 23, 2026
SDK

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No