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

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CRM-M-20861-2026 (O&M)
Date of decision : 23.04.2026

Dr. Surinder Singh**...Petitioner**

Versus

State of Punjab and others**...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Ms. Promila Nain, Advocate and
Mr. Mohinder S. Nain, Advocate
for the petitioner.

MANISHA BATRA, J. (Oral)

1. The present petition has been filed by the petitioner under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (*for short 'BNSS'*) seeking quashing of order dated 09.06.2023 passed by the learned Judicial Magistrate First Class, Mukerian in CIS No. COMI-21 of 2017 titled ***"Dr. Surinder Singh vs. Goldy and others"***, whereby the aforementioned complaint filed by the petitioner under Sections 323, 337, 338, 427 and 506 of IPC and Sections 4, 5, and 6 of the Punjab Protection of Medicare Service Persons and Medicare Services Institutions (Prevention of Violence and Damage to Property) Act, 2008 was dismissed and also against the order dated 27.08.2025 passed by the learned Additional Sessions Judge, Hoshiarpur in Criminal Revision No. 153 of 2023, whereby the said order was upheld.

2. Brief facts of the case relevant for the purpose of disposal of

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this petition are the aforementioned complaint was filed by the petitioner by alleging that on 07.06.2016, one patient namely Basant Singh was admitted in his hospital namely Sh. Kartar Singh Memorial Hospital and Maternity Home at Mukerian. On 14.06.2016, the condition of the patient suddenly deteriorated and despite immediate and best possible treatment given by the petitioner, the patient could not be saved. Thereafter, the family members and relatives of the deceased, including respondents No. 2 to 4/ Goldy son of Basant Singh (respondent No.2), Varinder Pal Singh son of Kashmir Singh (respondent No.3) and Goldy son of Vazeer Singh (respondent No.4), entered into the hospital room, damaged the oxygen machine, monitors and other equipment. They also misbehaved with and threatened the hospital staff and also failed to pay the remaining hospital bill amounting to Rs. 18,000/-. The occurrence was witnessed by staff nurse Manjit Kaur. The matter was reported on the same day through Police Helpline No. 181 and rapat No. 24 dated 14.06.2016 was recorded by Head Constable Rajesh Kumar. However, despite subsequent applications dated 27.07.2016 to SSP, Hoshiarpur and to SHO, Police Station Mukerian seeking registration of FIR under Sections 323, 337, 338, 427, 506 IPC and Sections 4, 5 and 6 of the Punjab Protection of Medicare Service Persons and Medicare Services Institutions (Prevention of Violence and Damage to Property) Act, 2008, no FIR was registered due to collusion of the police with the accused under political pressure. With these allegations, the petitioner/complainant had filed the aforementioned complaint before the Court of jurisdictional Magistrate.

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3. After considering the preliminary evidence adduced by the petitioner/complainant, the learned trial Magistrate dismissed the complaint vide order dated 09.06.2023, holding that no sufficient grounds were made out to proceed against respondents No. 2 to 4 for the alleged offences. Aggrieved against the said order, the petitioner preferred a revision petition, which also came to be dismissed by the learned Additional Sessions Judge, Hoshiarpur, vide order dated 27.08.2025. Being aggrieved by the aforesaid orders passed by the Courts concerned, the petitioner has filed the present petition.

4. It is argued by learned counsel for the petitioner that the impugned orders passed by the learned trial Court as well as the learned revisional Court are not sustainable in the eyes of law as while passing the same, the learned Courts have misdirected themselves both on facts and in law and have failed to appreciate the material available on record in its correct perspective. It is further contended that the testimony of the complainant's eye-witness, namely Manjit Kaur, has been discarded on wholly untenable grounds by terming her to be an interested witness, without noticing that her version stands duly corroborated by official witnesses, namely HC Ranjit Singh and ASI Rajesh Kumar, who have proved on record the rapat entry dated 14.06.2016 as well as the General Diary entry regarding the occurrence and the damage caused to the hospital property. Learned counsel has further argued that the learned Magistrate, while dismissing the complaint and the learned revisional Court, while affirming the same, have exceeded their jurisdiction at the stage of

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summoning by undertaking a detailed appreciation of evidence, though only a *prima facie* case was required to be seen, thereby virtually conducting a mini trial.

5. It is further argued that the adverse inference drawn on account of non-production of admission record is perverse, particularly in view of the settled position that in medical emergencies, priority is accorded to saving life over procedural formalities. It is also argued that both the learned Magistrate and the learned revisional Court have failed to consider that the police had visited the spot on the date of occurrence and recorded rapat No. 24 dated 14.06.2016, which *prima facie* supports the petitioner's version. Learned counsel further argued that the learned revisional Court, despite observing that at the preliminary stage the testimonies of witnesses are to be accepted unless inherently improbable, has still upheld the dismissal of the complaint, thereby rendering its findings self-contradictory. On these premises, it is, therefore, urged that the petition deserves to be allowed and the impugned orders suffer from material illegalities and are liable to be set aside.

6. This Court has heard the submissions made by learned counsel for the petitioner at considerable length and perused the record.

7. The present petition does not make out any ground warranting interference with the concurrent findings recorded by the learned trial Court as well as learned revisional Court, which on a careful examination, appear to be well-reasoned and in consonance with settled legal principles. The learned Magistrate, while dismissing the complaint, has meticulously

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examined the preliminary evidence and has rightly observed that no ingredients of offences under Sections 323, 337 and 338 IPC were made out, inasmuch as there was not even a whisper of any injury having been caused to any person. This finding is borne out from the record and does not call for any exception. The learned Magistrate further noticed that, despite serious allegations of damage to hospital property and non-payment of dues, the petitioner failed to place on record any supporting documentary material such as admission records, treatment details or even the alleged outstanding bill. In the context of a medical establishment, such documents would constitute the most natural and primary evidence. The absence thereof was, thus, rightly taken as a circumstance weakening the petitioner's version. Another aspect which has been duly considered by the learned Magistrate is the evidentiary value of the sole eye-witness, namely the staff nurse. It has been observed that in the absence of any independent corroboration, particularly regarding the identity of the accused, implicit reliance on her testimony would not be safe at the stage of summoning. This approach cannot be said to be either perverse or legally untenable.

8. The learned Revisional Court, while affirming the said findings, has independently re-appreciated the material on record and has rightly observed that although the occurrence of some damage to hospital property may be inferred, there is no clear and cogent material to establish the involvement of respondents No. 2 to 4. Importantly, the revisional Court has taken note of DDR No. 24 dated 14.06.2016, which records that the persons involved in the occurrence were "unknown". It has been correctly observed

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that the petitioner has failed to disclose the source from which the identity of the accused was subsequently ascertained, thereby leaving a significant gap in the prosecution story.

9. This Court finds that both the Courts below have confined their scrutiny to the limited scope required at the stage of summoning, namely, the existence of sufficient grounds to proceed, and have not embarked upon a roving enquiry or a detailed trial. The appreciation of evidence undertaken by them is only to the extent necessary to ascertain whether a prima facie case is made out, which is not the case here. The contention that the Courts concerned have misdirected themselves or have conducted a mini trial is, therefore, without substance. Rather, the record reflects a cautious and legally sound approach, where mere allegations have not been allowed to substitute the requirement of prima facie material connecting the accused with the alleged occurrence.

10. In view of the aforementioned discussion, this Court is of the considered opinion that the findings recorded by the learned Magistrate and affirmed by the learned revisional Court are based on proper appreciation of the material available on record and do not suffer from any illegality or perversity. No case is made out for interference in exercise of inherent jurisdiction. Accordingly, the present petition is dismissed.

23.04.2026
Waseem R. Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No