
(1984) 08 P&H CK 0020

In the Punjab And Haryana At Chandigarh

Case No : Criminal Miscellaneous No. 3292-M of 1984

Vinod Jain

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 28-08-1984

Acts Referred:

Citation : (1984) 08 P&H CK 0020

Hon'ble Judges : J.M.Tandon, J

Advocate : Navjot Johl, P.V. Santoshi, R.S. Ghai, Advocates for appearing Parties

Judgement

J.M.Tandon, J.—On April 5, 1984, Surjit Singh, resident of village Mussapur, Police Station Nurpur Bedi, District Ropar, was injured in an accident with the Car of Shri Braham Sarup, Advocate. He was removed to the Hospital. Dr. Vinod Jain of Civil Hospital, Ropar, sent a ruqa to the Police stating that the injured had been brought to the Emergency with head injury by Shri Braham Sarup. A.S.I. Waryam Singh visited the Hospital to record the statement of the injured. The Doctor opined that, the injured was not in a fit condition to make a statement. A case under sections 279/337 I.P.C. was registered on 7th April, 1984 at Police Station Ropar on the statement of one Rashid Mohammad. On 6th April, 1984 A.S.I. Waryam Singh again visited the Hospital to record the statement of the injured, but Dr. Vinod Jain petitioner recorded a note on his application that the injured was not in a fit condition to make a statement. The A.S.I. had also asked for the medicolegal report. He was informed by Dr. Vinod Jain that the same will be prepared after the injured regained consciousness. A.S.I. Waryam Singh visited the Hospital again on 10th April, 1984 and asked for the medicolegal report of the injured. He was informed that the medicolegal report would be issued by Dr. Vinod Jain. On 12th April, 1984 Constable Assa Ram was sent to the Hospital to get the medicolegal report of the injured. He was informed by Dr. Vinod Jain that Surjit Singh injured had since been discharged and that his medicolegal report could not be issued. Constable Assa Ram approached Dr. Krishan Walia S.M.O., Civil Hospital, Ropar for the same purpose but without any success. The Police registered F.I.R. No. 73 dated 25.4.1984 at Police Station

Ropar under Sections 217/218/174/201 read with section 34, Indian Penal Code, against the petitioners giving the detailed facts which have been stated above. Dr. Vinod Jain and Dr. Krishan Walia petitioners have sought the quashing of F.I.R. No. 73 dated 25.4.1984 in the present petition under section 482, Code of Criminal Procedure.

2. The Medicolegal report prepared on the basis of the entries in the Bed Head Ticket of Surjit Singh injured was given to the Police on 3rd May, 1984.

3. The learned counsel for the petitioners has argued that assuming all the facts narrated in F.I.R. No. 73 dated 25th April, 1984 to be correct, no offence can be taken to have been committed, with the result that the impugned F.I.R. is liable to be quashed. The contention of the learned counsel for the petitioner must prevail.

4. Dr. Vinod Jain certified on 5th and 6th April, 1984 that Surjit Singh injured was not in a fit condition to make a statement. On 10th April, 1984 Dr. Vinod Jain was not contacted by A.S.I. Waryam Singh, who was informed by the Doctor on duty that the medicolegal report of the injured would be supplied by the concerned doctor i.e. Dr. Vinod Jain. The A.S.I. contacted Dr. Vinod Jain on 12th April, 1984 through Constable Assa Ram and he was informed that the injured had since been discharged from the Hospital. The maximum that can be said against the petitioners on the basis of the F.I.R. is that they did not give the medicolegal report of the injured to A.S.I. Waryam Singh on 12th April, 1984. This alleged lapse on their part can hardly render them guilty of any of the offences detailed in the impugned F.I.R.

5. In the result, the petition is allowed and the F.I.R. No. 73 dated 25th April, 1984 registered at Police Station Ropar against the petitioners quashed.