

LAKHWINDER SINGH @ LAKHU VS STATE OF PUNJAB

Present: Mr.S.S. Killianwali, Advocate
for the petitioner.

Mr. M.S. Bajwa, DAG, Punjab.

1. In compliance of the order dated 01.08.2025 passed by this Court, Sh.Kumar Rahul, Secretary, Department of Health and Family Welfare, Punjab, Shri Gurpreet Singh, Senior Superintendent of Police, Fazilka and Dr. Sanjay Gupta, Director/Principal, Guru Gobind Singh Medical College and Hospital, Faridkot are present in Court today.

2. Two separate status reports i.e. one by Senior Superintendent of Police, Fazilka and another by Principal, Guru Gobind Singh Medical College & Hospital, Faridkot have been filed in Court today and the same are taken on record.

3. During the course of hearing in several other matters also, this Court has noticed that X ray, NCCT, CT Scan, Ultrasound reports and other similar reports are not being delivered to the Investigating Officers in different cases on time. Rather due to non handing over the reports on time, the investigation in various criminal cases have been delayed unreasonably. This not only seriously prejudices the rights of the victim of crime, but also amounts to denial of fair and speedy trial to the accused in various criminal trials. Apart from that, it also amounts to interference in the administration of justice either for corrupt motives or due to negligence on the part of the doctors posted in various government hospitals/other hospitals.

4. Faced with the above, the Secretary, Department of Health and Family Welfare, Punjab has assured this Court that he shall take up the matter in a meeting with the Home Secretary, Punjab and DGP, Punjab and

all three of them shall evolve a mechanism, whereby the medical reports shall be immediately uploaded on portal, so that the same may be available to the investigating officers in various criminal cases. He has also assured the Court that he shall hold a meeting with all the Civil Surgeons in the State of Punjab within a period of three days from today and issue proper instructions with regard to implementation of the earlier orders issued in this regard.

5. Apart from that, this Court also notices the gross negligence on the part of the District Police in such cases, as it appears that there is complete lack of supervision on the part of the Senior Superintendents of Police in the State of Punjab. The Senior Superintendents of Police are under a bounden and legal duty to ensure that the Investigating officers move an application to the concerned doctor for obtaining the reports, at the earliest. This case is the most conspicuous example of such a gross negligence on the part of investigating agency.

6. In the present case, the occurrence had taken place on 16.06.2025 and immediately, thereafter, ultrasound was conducted on complainant-Kiran. However, the IO moved an application for the first time on 29.07.2025 to obtain the copy of ultrasound. Now it has been alleged that the doctors of Guru Gobind Singh Medical College and Hospital, Faridkot had not prepared the report in the present case. It is difficult to hold enquiry in each and every case and the police should have been vigilant in collecting the reports from the concerned doctors. Even the doctors should have been vigilant as the preparation of medical reports by the doctors is also an integral part of investigation in every criminal case.

Even the DGP, Punjab had also issued a circular No.14 of 2025, but unfortunately, the lower police officials are not bothered to comply with the directions. This amounts to not only the gross misconduct on the part of the police officials but it is apparent that the police officials were highly negligent in performing their duties and the required action is still awaited.

7. At this stage, learned State counsel has assured the Court that necessary steps shall be taken by the Secretary, Department of Health and Family Welfare, Punjab, Senior Superintendent of Police, Fazilka and the Director/Principal, Guru Gobind Singh Medical College and Hospital, Faridkot, so that such a situation does not arise in future. He has also assured the Court that action taken report shall be submitted by way of personal affidavit of Secretary, Department of Health and Family Welfare, Punjab, Senior Superintendent of Police, Fazilka and the Director/Principal, Guru Gobind Singh Medical College and Hospital, Faridkot on the next date of hearing.

8. The personal appearance of the aforementioned officers shall remain exempted till further orders.

9. List on 18.08.2025.

In the meantime, the petitioner is directed to join the investigation. In the event of arrest, he shall be released on interim bail to the satisfaction of arresting/investigating officer subject to the conditions envisaged under Section 438 (2) Cr.P.C./482 (2) of BNSS, 2023.

04.08.2025
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(N.S. SHEKHAWAT)
JUDGE