

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

**101**

**CWP-8627-2024**

**Date of Decision : May 21, 2025**

**VISHWA NATH SHARMA**

**-PETITIONER**

**V/S**

**STATE OF HARYANA AND OTHERS**

**-RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Bhuwan Vats, Advocate  
for the petitioner.

Mr. Bhupender Singh, D.A.G., Haryana.

Mr. Pawan Kumar Mutneja, Sr. Advocate with  
Mr. Viranjeet Singh Mahal, Advocate and  
Ms. Suverna Mutneja, Advocate  
for the respondent No.5.

Mr. Deepak Jain, Advocate  
for the respondent No.6.

Mr. Arpit Chawla, Advocate  
for the respondent No.7.

Mr. Vishal Gupta, Advocate  
for the respondent No.14.

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**KULDEEP TIWARI, J. (ORAL)**

1. The prayer embodied in the present writ petition appertains to issuance of directions upon the respondent No.4- District Medical Negligence Board, Kurukshetra, Haryana, to conclude the pending enquiry in the petitioner's case, and, for issuance of directions upon the respondents No.1 and 2 to take strict exemplary action against the respondent No.4, which failed to conduct timely enquiry. Moreover, prayer is also made for issuance of directions upon the authority(ies)

concerned to take into custody and preserve the evidence to the extent it is still available at this belated stage, so that the petitioner's right to a fair trial can be salvaged.

2. During pendency of the instant writ petition, the District Medical Negligence Board, Kurukshetra, concluded the apposite enquiry and the enquiry report has also been placed before this Court by enclosing it as Annexure R-1 with the reply furnished by respondents No.10 and 11.

3. The learned counsel for the petitioner submits that, at this stage, he wants to withdraw the instant writ petition, however, with liberty to challenge the enquiry report (supra) before the competent authority/forum concerned. He submits that, the enquiry report (supra) has not been prepared in consonance with law and the main issue raised by the petitioner has also not been adjudicated therein. Moreover, the relevant record has also been conveniently concealed by the erring doctor(s).

4. The learned counsel for the petitioner also requests that, till final adjudication of the *lis*, directions be passed upon:- (i) respondent No.14 to preserve the record appertaining to Mobile Nos.82228-51454 and 90172-02962 for the period 01.08.2023 and 02.08.2023; and, (ii) the District Medical Negligence Board, Kurukshetra, to preserve the entire available record.

5. The request (supra) made by the learned counsel for the petitioner appears to be bona fide and innocuous. Therefore, the instant writ petition is **dismissed as withdrawn**, however, with liberty to the petitioner to challenge the enquiry report (supra) before the competent

authority/forum concerned. Moreover, the authorities/respondents (supra) are also directed to preserve the apposite records (as mentioned in para 4) till final adjudication of the *lis*.

**May 21, 2025**  
**devinder**

**(KULDEEP TIWARI)**  
**JUDGE**

**Whether speaking/reasoned : Yes/No**  
**Whether Reportable : Yes/No**