HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Criminal Miscellaneous Bail Application No. 16611/2025

Gautam S/o Ashok, Aged About 21 Years, R/o Naurangabad, Police Station Shree Mahaveerji, District Karauli, Rajasthan. (Presently Accused Petitioner Is Confined At Sub Jail, Hindaun City, District Karauli, Rajasthan).

----Petitioner

Versus

State Of Rajasthan, Through Pp

----Respondent

For Petitioner(s) : Mr. Swapnil Singh Patel, Adv.
Ms. Shivangi Singh Patel, Adv.

For Respondent(s) : Mr. Manvendra Singh,PP
Mr. Motiram, ASI P.S. Shrimahaveerji Karauli

HON'BLE MR. JUSTICE CHANDRA PRAKASH SHRIMALI
Order

REPORTABLE

1.	**Arguments Concluded On:**	**26/02/2026**
2.	**Judgment Reserved On:**	**26/02/2026**
3.	**Full Judgment/Operative Part Pronounced:**	**Full Judgment**
4.	**Pronounced On:**	**07.03.2026**

1. This bail application has been filed on behalf of the applicant/accused under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) in connection with FIR No. 102/2025, registered at Police Station Mahaveerji, District Karauli, for offences punishable under Sections 115(2), 126(2), 352, 109(1), 3(5), and 332(b) of the Bharatiya Nyaya Sanhita (BNS).

2. Learned counsel for the applicant/accused submitted that the allegation against the applicant is that he inflicted an injury on the head of the injured Amar Singh. It is alleged in the FIR that the injury upon the head of injured Amar Singh was caused by a

spade (phawda). However, the witnesses and the injured Amar Singh in their statement recorded under Section 180 BNSS have stated that the injury was caused by a stick (lathi). Thus, it is argued that there is a contradiction with regard to the fact of inflicting injury by a spade or a stick.

3. It is further submitted by the counsel for the applicant/accused that in the injury report the doctor has stated injury No.1 to be of grievous nature and has opined that the possibility of death due to the said injury cannot be ruled out, in case the medical treatment is not given timely. Therefore the medical report is ambiguous. It is contended that if any injury or ailment is remained untreated it may cause death of any person. It is also argued that the investigating officer has submitted the medical report contrary to established medical principles with the intention of providing undue benefit to the complainant party and causing prejudice to the applicant/accused. Learned counsel further submitted that if the said injury inflicted upon the head of Amar Singh is not considered grievous in nature, then at the most, the offence would fall under Section 115 of the Bharatiya Nyaya Sanhita, which is a bailable offence. It is contended that the concerned doctor has given vague report without any basis, apparently with the intention of converting the case into a non-bailable offence.

4. It has also been argued that on 01.07.2025, co-accused Tikam had sent objectionable messages to the applicant’s wife Smt. Karina on her mobile due to which, the alleged incident occurred. It is further submitted that the bail application of the co-accused Ashok has already been allowed by the co-ordinate bench of this Court vide order dated 02.12.2025 passed in Bail Application No. 15201/2025. The applicant is in custody since 24.10.2025. The charge sheet has already been filed, the trial will take time, and no other criminal case is pending against the applicant/accused. It is also submitted that there is no likelihood of the applicant absconding or threatening the witnesses and he is ready to furnish bail bonds to the satisfaction of the Court. Thus

the learned counsel for the applicant prayed for granting the benefit of bail to the accused/applicant.

5. On the other hand, learned Public Prosecutor opposed the bail application and submitted that the applicant inflicted a lathi blow on the head of injured Amar Singh, which the concerned medical officer has described as fatal to life. Considering the seriousness of the offence, it has been prayed that the bail application be rejected.

6. I have considered the submissions made by learned counsel for the parties and perused the material available on record.

7. In the present case, as per the FIR, the wife of the injured Amar Singh alleged that the applicant/accused assaulted her husband with a spade with an intention to kill him. However, during investigation, no spade was recovered from the applicant and instead a stick (lathi) was recovered. Thus, there is clean contradiction regarding the fact of inflicting injury by a spade or a stick. The concerned medical officer has prepared the injury report No. 44 dated 06.08.2025, wherein four injuries were mentioned to have been caused upon the body of injured Amar Singh. Injuries No. 1, 2, and 3 were stated to be caused by a blunt weapon. The concerned medical officer, *In-charge Community Health Centre Shri Mahaveerji*, submitted the X-ray report dated 12.08.2025 of injured Amar Singh. Thereafter, the Station House Officer, Police Station Shri Mahaveerji, vide letter dated 17.10.2025, sought opinion from the concerned doctor as to whether the injuries sustained by injured Amar Singh on his head could have caused his death. Whereupon, doctor stated the injury No. 1 to be grievous in nature and further stated that if timely treatment had not been provided, the possibility of the injury causing death of the injured could not be ruled out. However, the doctor did not specifically state that the injuries were sufficient in the ordinary course of nature to cause death.

8. In the opinion of this Court, the said medical report appears to be vague/doubtful and contrary to the medico-legal principles.

The medical officer ought to have provided a detailed report specifying the nature of the injuries, the weapon used, the part of the body upon which the injury was inflicted, and the length, width, and depth of the injuries. The report submitted in the present case is ambiguous. The applicant has been in judicial custody since 24.10.2025, i.e., for more than four months. The charge sheet has already been filed and the trial is likely to take time. Co-accused Ashok has already been granted bail by the co-ordinate bench of this Court vide order dated 02.12.2025 in Bail Application No. 15201/2025, and no other criminal case is reported to be pending against the applicant.

9. Considering the facts and circumstances of the case, the arguments advanced, and the period of custody of the applicant, and without expressing any opinion on the merits of the case, this Court is of the view that the applicant deserves to be enlarged on bail.

10. Accordingly, the bail application filed on behalf of the applicant/accused Gautam, S/o Ashok is allowed.

11. It is hereby ordered that the applicant/accused Gautam S/o Ashok be released on bail in connection with the aforesaid case, provided he furnishes a personal bond of ₹1,00,000/- (Rupees One Lakh only) along with two sureties of ₹50,000/- each(Rupees Fifty Thousand) to the satisfaction of the learned trial court, and that he shall appear before the court on the dates fixed and as and when called upon to do so, provided he is not required in any other case.

12. Before parting with the case in hand, this Court would like to observe that while examining various medico-legal reports where the opinion of doctors is sought, this Court has found that there are no specific guidelines issued to medical jurists. The Courts, while deciding matters of serious nature, consider the opinion of doctors as a vital evidence, particularly in criminal cases involving murder, suicide, assault etc.

13. Courts usually treat the opinion of doctors as gospel truth, relying on their expertise, and at times, such evidence plays an important role in administration of justice. However, it has come to the notice of this Court that, in the absence of standardised guidelines, disparities persist in the medical reports submitted by different medical jurists across cases.

14. In this context, it is necessary to revisit the established judicial pronouncements and authoritative medical literature on the responsibilities of medical jurists and the evidentiary value of their reports.

15. The Hon'ble Madras High Court, in **RM. Arun Swaminathan v. The Principal Secretary to the Government, Health and Family Welfare Department, Government of Tamil Nadu and Ors. [W.P.(MD) No. 78 of 2019]**, cautioned and held as under;

> *".....If in this shabby and unscientific manner and without actual performance of autopsies by Doctors, the autopsy reports are prepared, it will lead to collapse of criminal justice delivery system in this country. The Doctors are most respected citizens of this country and they are doing yeoman service and also aid in justice delivery system in medico-legal cases. Therefore, corrective measures have to be taken as otherwise, criminals would escape from the clutches of law because of the negligence and deliberate failure on the part of the Doctors who are doing post mortems."*
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> *49. As already stated, this Court, in Crl.O.P. No. 12582 of 2007 in Muniammal V. The Superintendent of Police and others, by order dated 16.02.2008, gave a slew of directions to be followed while conducting autopsy. Paragraph 32 of the order contains the directions of the Court and they are usefully extracted hereunder: ….Medical Officers, who prepare the medical certificates, shall ensure that the findings written by them are legible. Inadequate, illegible and incomplete particulars in medical certificates are stumbling blocks in the administration of Criminal Justice System. The dimensions of the injuries and their colour age in certain cases and other features shall find place in the medical certificates. The format, presently maintained for the post-mortem certificate,*

may be modified so as to enable the doctor, who conducts autopsy, to furnish all his findings in detail, with reference to each organ and region as per procedure generally adopted."

16. The Co-ordinate bench of this Court, in **Samane Khan v. State of Rajasthan [S.B. Criminal Revision Petition No. 128/2023]**, criticised speculative and non-expert opinions in medico-legal reports and held as under;

"20. To the utter dismay, neither any complaint was made by the victims nor any document regarding their health was shown but the Medical Officer without examining the physical condition of the victim, vide its response dated 07.07.2022 had mentioned that "head injury of Fatan Khan might be life threatening, if not treated on time as active bleeding was present". 21. Admittedly, it is shocking that when after examination of the victim by the Medical Officer as well as by the radiologist, an opinion regarding the nature and number of injuries had been obtained on 01.07.2022 then, how the same Medical Officer after seven days of the incident that too, without examining the victim or without considering further details regarding victim's health record can give a second opinion contrary to the first. Be that as it may. The opinion is not firm in nature, which ought to be because it is called an opinion of Expert.

22. Section 45 of the Indian Evidence Act envisages regarding opinion of the experts as per which When the Court has to form an opinion upon a point of foreign law or of science, or art, or as to identity of handwriting [or finger impressions], the opinions upon that point of persons specially skilled in such foreign law, science or art, [or in questions as to identity of handwriting] [or finger impressions] are relevant facts. Such persons are called experts. It is expected from an expert that his opinion must be firm and should not be vague, bald or evasive or dependent upon the contingencies. The injuries should be opined to be simple or grievous in nature. The phrase used by the doctor that the "injuries might be life threatening if not treated on time" is not an

opinion given by an expert doctor serving in Community Health Center. Such type of opinion can be given by any rustic villager or an illiterate person. Why the opinion is sought from the doctor, if can't give a definite opinion. There is no opinion on record that the said injury was sufficient in ordinary course of nature to cause death. The crux of the provision contained under Section 45 of the Indian Evidence Act is that whenever a Court of law that feels it should seek an opinion on the aforementioned point, then it is expected that it would seek opinion from a person, who is specially skilled in such law, science or art etc. It means that ultimately, the opinion of the expert is sought only for the assistance of the Court and thus, it can be said that the Court is the expert of the experts. Whenever, an opinion is sought regarding the nature of injuries; it must be given by a specifically skilled person so as to bring him in the definition of "expert" on that particular point. It must not be fallacious or fallible as the same may instead of assisting the Court, mislead or confuse the Court. Thus in my view, the opinion should be firm and definite and only in that situation the same is admissible in evidence under Section 45 of the Evidence Act. The vague, bald, probable, infirm or uncertain opinion is not an opinion of an expert, therefore, the second opinion given by the doctor dated 07.07.2022 is in no manner can be taken as a report submitted by an expert rather a cloud of doubt arises as to what was the occasion for the Investigating Officer to seek or for the doctor to give the opinion without examining the victim injured or without examining his medical documents. 23. In my firm and humble view, the second report dated 07.07.2022 prepared by the Medical Officer, CHC Shiv, Barmer does not come within the definition of an expert report and which do not help the Court of law to reach at a just and legitimate conclusion."

17. Similarly, in **Dr. K.C. Chaudhary v. State of Rajasthan & Ors. [S.B. Civil Writ Petition No. 2738/2002]**, this Court held as under :

".....None can undermine the importance of true and correct medico-legal report in the injury cases which has great role in just and fair disposal of the cases. Such a conduct by the Medical Officer is highly despicable as it causes interference with the administration of justice."

18. The Hon'ble Supreme Court, in **Machindra v. Sajjan Galfa Rankhamb & Ors. [(2017) 13 SCC 491]**, made a crucial observation as under:

"16. But looking at the post-mortem report, cause of injuries was not stated nor was any opinion formed to create independent testimony. We would like to emphasise on the vital role played by the opinion of expert which is simply a conclusion drawn from a set of facts coming to his knowledge and observation. Expert's opinion should be expected to surrender its own judgement and delegate its authority to a third person, however great. If the report of an expert is slipshod, inadequate or cryptic and information on similarities or dissimilarities is not available in the report of an expert then his opinion is of no value. Such opinion are often of no use to the court and often lead to the breaking of a very important links of prosecution evidence which are led for the purpose of prosecution. Therefore, we are of the considered opinion that the prosecution has failed to prove that the death was caused due to the injuries inflicted by the recovered weapons."

19. The Court has considered expert guidance from medical texts with regard to types of injury and standard medical process, which is as follows :-

From The Essentials of Forensic Medicine and Toxicology by Dr. K.S. Narayan Reddy and Dr. O.P. Murty which defines "hurt" and gives the definition of dangerous injury and extends the definition of statement by medical witness with regard to the injury:

"Any hurt which endangers life: An injury can be said to endanger life, if it is itself such that it may put the life of the injured in danger. An injury caused on a vital part of

the body cannot be called grievous hurt, unless the nature and dimension of the injury or its effects are such that the doctors are of the opinion that is actually endangers the life of the victim. Administration of harmful drug to a person to make him unconscious is not grievous hurt even though in some cases death maybe caused if the drug is given in large dose. If the life of the person is not endangered, it is not a case of grievous hurt. To designate an injury as grievous hurt, danger to life should be imminent.

Dangerous injuries are those which cause imminent to life, either by involvement of important organs or structures, all extensive area of the body. If surgical aid is available such injuries may prove fatal. The concept of injury dangerous to life is not very precise. As such, it is not enough if the medical witness make simple statement that the injury in a particular part is dangerous to human life. He should place all the relevant data, namely the nature and extent of injury, the kind of weapon used, the part of the body struck, whether the injury caused haemorrhage or shock, affected important structure or organs, or was very extensive, or otherwise caused imminent danger, and should also state the various grounds on which he considers the injury to be a dangerous one. Some examples of injuries which endangers life are stab on the abdomen, or head or vital part, hurt causing rupture of spleen, squeezing testicles, incised wound on the neck, compound fracture of the skull, rupture of internal organ, injury of large blood vessel."

"….Grievous injury: It has been described in Section 116 BNS (320 IPC) and consists of-

1. Emasculation

2. Permanent privation of sight of either eye

3 Permanent privation of hearing of either ear

4. Privation of any member or joint

5.Destruction or permanent impairing of the powers of any member or joint

6. Permanent disfiguration of head or face.

7. Fracture or dislocation of a bone or tooth

8. Any hurt which endangers life or which causes the sufferer to be during the space of fifteen days or more in severe bodily pain, or unable to follow his ordinary pursuits

- *Emasculation is castration, cutting of penis or loss of power of erection due to spinal injury.*
- *Privation means loss or deprivation and this deficit may be complete or partial but to a measurable extent.*
- *Member means any body part or component having a specific function and name, which cannot re-grow or replicate by itself.*
- *Only if there is permanent impairing of the powers of any joint by damage to a tendon, then it should be termed grievous.*
- *All cases of fractures should be radiographed for substantiation in medicolegal cases and fracture should be visible radiologically.*
- *Mere stay in the hospital for fifteen days does not constitute grievous injury.*
- *Ordinary pursuits of life include such everyday normal routine of day-to-day life.*
- *Whoever causes bodily pain, disease, infirmity to any person is said to cause hurt as per section 114 BNS (319 IPC)*

Dangerous to life: Any hurt which endangers life or by which death can occur in ordinary course of nature without treatment. Such injuries are serious in nature either being severe or extensive, and usually prove fatal in the absence of surgical aid, as death is impending in such cases, e.g.

- *Stab injury or laceration of lung, heart, liver, kidney, spleen, intestine and brain.*
- *Tear or stab injury puncturing pleura, peritoneum and duramater*

- *Intracranial hemorrhage: extradural, subdural, subarachnoid and intracerebral"*

20. From Essentials of Forensic Medicine & Toxicology published by S. Chand, I appraise the definition of Grievous Hurt which the medical jurists needs to consider while considering an injury to be grievous in nature in their medical certificate**:**

"Eighth (8th) clause of Grievous Hurt (GH)

S.116 BNS (320 of IPC) defines GH in eight clauses. The eighth clause of GH has been derived from French law, and no corresponding provision exists in English law.

The eighth clause is as follows: Any hurt (1) which endancers life, or (2) which causes the sufferer to be in severe bodily pain for 15 days, or (3) which makes the person unable to follow his ordinary pursuits.

This clause has three components:

1) Any hurt which endangers life. It means dangerous injury

Dangerous injury:

◆ *A dangerous injury is an injury which causes imminent danger to the life of a person without medical or surgical intervention, and is sufficient to cause death in ordinary course of nature.*

◆ *Dangerous injuries are not same as grievous injuries. All dangerous injuries are grievous but all grievous injuries are not dangerous.*

◆ *Dangerous weapons have been defined in S.118 BNS (324 of IPC.)*

◆ *Example:*

a) Head: (i) Head injuries showing signs of vomiting and unconsciousness; (ii) compound fracture of skull; (iii) penetrating injuries to the skull.

b) Neck: Penetrating injuries into the neck and thus trachea.

C) Chest and abdomen: (i) Stab injury; (ii) penetrating injury to thoracic/abdominal cavity; (iii) rupture of an

internal organ, for example heart, lungs, stomach and intestines.

d) Thrusting of a lathi into the vagina or anus.

e) Haemorrhage of >1L may occur in (a) injury of a large blood vessel; (b) injuries d/t blunt force trauma to the abdomen causing laceration of liver or spleen; (c) multiple bruises all over the body. A single bruise may be simple but multiple bruises all over the body may together cause extravasation of >1L of blood and thus may collectively become dangerous. An average bruise contains about 20-30 ml of blood.

f) Injuries which causes vasovagal shock, for example squeezing testes and a punch below xiphsternum.

8) Burns involving >1/3rd of body surface area.

b) MRI on a patient with pacemaker because pacemaker stops functioning d/t magnetic field. It endangers the life of the patient.

2) Any hurt which causes the sufferer to be in severe bodily pain for 15 days.

The feeling of pain as a result of injury has to be experienced by the victim for a period of 15 days for the injury to be described as being grievous.

◆The 15 days need not be continuous. There may be a span of 10 painful days followed by 2 pain-free days and then again a span of 5 painful days."

21. The Constitution of India guarantees the right to life and personal liberty under **Article 21**, which encompasses the right to a fair trial and due process for every individual, including both the accused and the complainant. In criminal trials, medical reports often form a crucial part of the evidence. When such reports are vague, illegible, speculative, or lacking in detail, they compromise the rights of parties to effectively defend or establish their case. An accused may face wrongful conviction based on ambiguous expert opinion, while a complainant may be denied justice due to absence of credible medical corroboration.

Such deficiencies in expert evidence are not merely procedural lapses but touch upon the core of substantive justice protected by the Constitution.

22. Further, **Article 14** guarantees equality before the law and equal protection of laws. Where one party benefits or suffers due to an unreliable or unclear medical report, and another similarly placed person in a different case benefits from a more competent and detailed opinion, it results in unequal treatment under the law. This disparity erodes public confidence in the criminal justice system. It also creates judicial inconsistencies, where the outcome of a case may hinge not on facts or law but on the quality and clarity of medical opinion received, a situation wholly inconsistent with the constitutional promise of equal protection.

23. In such circumstances, the Court bears a constitutional duty to intervene. The judiciary is under a constitutional obligation to critically evaluate expert evidence in order to ensure that justice is neither compromised nor miscarried. As held in various precedents, whenever injustice arises, even indirectly, due to administrative or evidentiary shortcomings, including medical opinion, the Court must act to remedy the imbalance. It is the duty of the Court to ensure that evidence placed before it is not only formally admissible but substantively reliable, especially where expert opinion is central in determining criminal liability. The Court, therefore, must reject vague or evasive opinions and, where required, summon additional expert clarification to meet the ends of justice.

24. In light of the above observations, this Court finds it necessary to highlight the increasing impediments posed by vague, speculative, or illegible medical opinions in the adjudication of criminal cases. Courts frequently encounter difficulty when medico-legal reports lack clarity or fail to provide specific reasoning regarding the nature of the injuries, particularly on whether such injuries are dangerous or sufficient

to cause death. The absence of such classification, along with insufficient detail and lack of substantiating medical rationale, jeopardises the process of fair and informed adjudication. This lack of consistency not only weakens the evidentiary value of such opinions but also poses a serious risk to the integrity of the criminal justice system. The Court, therefore, considers it imperative that uniform standards of medico-legal reporting be introduced, alongside mechanisms to ensure accountability among medical officers responsible for issuing such reports.

25. In the interest of justice, and to strengthen the administration of criminal law, this Court directs the Chief Secretary, Government of Rajasthan, Jaipur to direct the concerned Department to prepare and implement a set of comprehensive and uniform medico-legal guidelines to be followed by all government medical officers in the state of Rajasthan while furnishing medical opinions in criminal cases. These guidelines should ensure that all medical opinions submitted to courts are clear, legible, complete, and substantiated with cogent reasons and clinical data. The format for reporting shall also be revised, if necessary, to include mandatory entries such as the type and nature of each injury, its anatomical location, dimensions, probable weapon or instrument used, and its immediate and long-term implications on the victim’s health.

26. Further, the Principal Secretary, Department of Home, Government of Rajasthan, Jaipur is directed to issue necessary directions to the Police Department throughout the State of Rajasthan to strictly adhere to and comply with the comprehensive and uniform medico-legal guidelines so prepared in view of the directions issued hereinabove with further direction to all the police officials to ensure that the medical opinions they obtain during investigation processes are specific and categorically classify each injury as dangerous or sufficient to cause death, based on established medical criteria. Medical

reports must avoid speculative and conditional language such as "might be dangerous" or "may be life-threatening," unless such language is medically justified and explained in detail. IOs must ensure that all reports are properly documented, and where necessary, accompanied by photographs or diagrams to assist the court in reaching a just conclusion.

27. It is also made clear that the competent authority, whether in the police administration or the health department, shall remain at liberty to take such further administrative or disciplinary action as may be warranted against any official whose conduct, in relation to medico-legal reporting, is found to be negligent, evasive, or in breach of the standards to be prescribed.

28. A copy of this order be sent to the Chief Secretary, Government of Rajasthan, Jaipur and Principal Secretary, Department of Home, Government of Rajasthan, Jaipur for necessary compliance and further action. It shall also be sent to the Director General of Police, Rajasthan, who shall ensure that officers are made aware of the directions contained herein and that compliance is ensured at all relevant levels.

(CHANDRA PRAKASH SHRIMALI),J

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