

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRM No.M-44047 of 2014

Date of Decision: February 06, 2015

Mukesh Kumar

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Tarundeep Kumar, Advocate
for the petitioner.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. for setting aside the order dated 13.08.2014 passed by learned Judge, Special Court, Pathankot whereby the application of the petitioner for sending the second sample for fresh analysis through authorized laboratory has been dismissed in case FIR No.25 dated 04.05.2013 under Sections 21 and 22 of the NDPS Act registered at Police Station Narot Jaimal Singh, District Gurdaspur.

I have heard learned counsel for the petitioner and have gone through the record.

At the time of arguments, learned counsel for the petitioner neither shown any provision to this Court for sending the second sample nor shown any law on the point. I have gone through the impugned order dated 13.08.2014 passed by learned Special Judge,

Pathankot. The Court has discussed the law laid down by the Hon'ble Supreme Court in ***Thana Singh vs. Central Bureau of Narcotics, 2013 (1) RCR (Criminal) 861*** and dismissed the application. Even, learned counsel for the petitioner has not pointed out that the law cited by learned Special Judge, Pathankot, is not applicable to the facts of the present case. Otherwise also, the trial is at final stage as the case has been fixed for defence evidence and arguments.

In view of the above discussion, I find that the impugned order dated 13.08.2014 passed by learned Special Judge, Pathankot is correct and as per law and the same is upheld.

Therefore, finding no merit in the present petition, the same is dismissed.

February 06, 2015
Vgulati

(INDERJIT SINGH)
JUDGE