

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-2896 of 2015 (O&M)
Decided on:-01.09.2015.

Rakesh Kumar.

.....Petitioner.

Versus

State of Haryana.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

1. Whether reporters of local newspapers may be allowed to see judgment?
2. To be referred to reporters or not?
3. Whether the judgment should be reported in the Digest?

Present:- Mr. R.S. Kundu, Advocate
for the petitioner.

HARI PAL VERMA, J.

Petitioner Rakesh Kumar son of Ramji Dass has filed the present revision petition challenging the order dated 20.7.2015 (Annexure P-1) passed by learned Additional Sessions Judge, Sirsa whereby his application for sending the video CD to the Central Forensic Science Laboratory, Chandigarh or Delhi was declined.

The petitioner who is facing trial under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 was arrested by the police party headed by Inspector Jagdish Chander. On search of his bag, 650 Gms. Powder suspected to be contraband was found from his possession in a

plastic bag. Investigation was conducted and the report under Section 173 Cr.PC was submitted in the Court. On the basis of the challan, the charge was framed.

The petitioner has challenged the order dated 20.7.2015 passed by learned Additional Sessions Judge, Sirsa whereby his application dated 15.5.2015 for direction to the investigating officer to send the CD and the conversation to the Central Forensic Science Laboratory, Chandigarh or Delhi has been declined. During the course of trial, when Inspector Jagdish Chander, who was the investigating officer of the case and was examined as PW6, learned defence counsel while cross-examining the said witness had produced the CD allegedly containing conversation between the witness and the accused regarding planting of the case.

The accused had filed the application seeking directions to Inspector Jagdish Chander (PW6) to give his voice sample and photographs as the same were required to be compared with CD containing conversation and photographs of the witness as the said witness had admitted that a false case was planted by arranging medicines and converting the same into powder by way of grinding. Said CD was played in the Court but the witness denied his voice as well as photographs.

The application dated 15.1.2015 filed by the petitioner was allowed and consequently, the CD was sent to the Forensic Science Laboratory, Madhuban (Karnal) to authenticate the fact that whether it was fit for comparison. As per the FSL report dated 1.5.2015, it was emerged that

the CD was found indiscernible due to lot of interfering background noise and the same could not be considered for auditory.

Having received the aforesaid report, the petitioner has now insisted that the said CD be sent to the Central Forensic Science Laboratory, Chandigarh or Delhi as the report of FSL, Madhuban (Karnal) is procured one because Inspector Jagdish Chander (PW6) is a senior police officer.

I have heard learned counsel for the petitioner.

Except general allegations, the petitioner has not placed on record any material to substantiate his allegation that the report of FSL, Madhuban (Karnal) is procured one. Merely because Jagdish Chander (PW6) is an Inspector in the police cannot lead to a conclusion that the report of FSL, Madhuban is a procured one. Therefore, I find no ground to interfere in the impugned order dated 20.7.2015 (Annexure P-1) passed by the trial Court and the present petition being without any merit, is dismissed.

September 01, 2015
'Yag Dutt'

(HARI PAL VERMA)
JUDGE