

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRR No.3871 of 2015 (O&M)

Date of decision: 17.11.2015

Mandeep Singh

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAJAN GUPTA

Present: Mr. Madan Sandhu, Advocate for the petitioner.

Rajan Gupta, J. (oral)

Present revision petition is directed against the order dated 22.09.2015, passed by Additional Sessions Judge-cum-Judge, Special Court, SAS Nagar Mohali, whereby prayer made by the petitioner for taking sample from each bag of bulk parcel of the contraband and sending the same to Central Forensic Science Laboratory, Chandigarh or any other laboratory, has been declined.

Learned counsel for the petitioner has assailed the order. According to him, the police produced the case property in court but same has been tampered with and some other material has been mixed therein. In fact, there was no alleged poppy husk.

I have heard learned counsel for the petitioner and given careful thought to the facts of the case.

The allegations against the accused in the FIR are that on 5.7.2015, they were found in possession of 105 Kilograms of poppy husk in three bags weighing 35 Kilograms each being carried on truck-trolla

No.MH-04-GC-7713 without any valid permit or licence. The investigating officer had drawn two samples weighing 250 grams from each bag. Three sample parcels were sent to the Forensic Science Laboratory and report thereof had already been received. Prosecution has examined six witnesses and statements of accused under section 313 Cr.P.C. have also been recorded. Thereafter, accused also examined three witnesses in their defence.

I find no legal infirmity with the order. Reanalysis/retesting of sample can only be allowed in exceptional circumstances for some cogent reasons and that too within 15 days of receipt of testing report. Learned counsel for the petitioner has failed to show any such circumstances. There is no cogent reason for reanalysis/retesting of sample. Admittedly, trial is at its fag end and instant application has been moved by petitioner at a very belated stage, only for delaying decision of the case. The proceedings in the case cannot be allowed to linger on unnecessarily. I am, thus, of the considered view that there is no merit in the present petition calling for interference in revisional jurisdiction. The petition is hereby dismissed.

(RAJAN GUPTA)
JUDGE

17.11.2015
'Rajpal'