

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH.

CRR 4784 of 2015 (O&M)

Date of Decision: December 10, 2015

Kulwant Singh

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI.

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Present:- Mr. R. Kartikeya, Advocate  
for the petitioner.

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**M.M.S. BEDI, J. (ORAL)**

Petitioner, aggrieved by order dated September 17, 2015 declining the summoning of Drug Inspector as a witness, has approached this Court, questioning the legality and propriety of the order.

Counsel for the petitioner submits that the petitioner has been falsely implicated in a case under Section 22 of the NDPS Act despite the fact that the petitioner holds a valid licence to run the chemist shop. The said licence has to be proved as a defence document by summoning Drug Inspector.

I have heard learned counsel for the petitioner and I am of the opinion that the trial Court while dismissing the application on September 17, 2015 safeguarded the rights of the petitioner by observing that the petitioner accused can tender in his evidence the licence issued to him.

The present petition is premature and is thus dismissed with liberty to the petitioner to file an application as per provisions of Section 243 Cr.P.C. for summoning Drug Inspector in defence to prove the alleged licence. In case any such application is filed, the learned Magistrate shall consider the same in context to the letter and spirit of Section 243 (2) Cr.P.C. and pass an appropriate speaking order.

December 10, 2015  
sanjay

(M.M.S.BEDI)  
JUDGE