

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

121

CRM-M-40921-2016 (O&M).
Decided on: November 17, 2016.

Smt.Meenu Bajaj

.. Petitioner(s)

VERSUS

State of Punjab and others

.. Respondent(s)

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

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PRESENT Mr.Rajeev Kawatra, Advocate,
for the petitioner.

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

Petitioner had filed an application under Section 207 Cr.P.C., for obtaining a copy of the report of Forensic Science Laboratory of the year 2007. The application for supplying copy of the said document has been dismissed vide impugned order dated 20.9.2016, on the ground that the document which is sought is not part of the challan papers.

Counsel for the petitioner has submitted that the report of the Forensic Science Laboratory of the year 2007, is favourable to the petitioner and the same has intentionally been withheld by the prosecution agency.

I have considered the contention of the learned counsel for the petitioner and I am of the opinion that the petitioner wants to get benefit of report which probably is contrary to subsequent report of the Forensic Science Laboratory obtained in the year 2009. The report which was got prepared during pendency of the investigation and has not been made part of the challan may be brought on the record by the petitioner by

adopting the procedure of law at appropriate stage and could be used as a defence document. The said document can be summoned at appropriate stage by utilising the provisions of Section 91 Cr.P.C. and in case any such report is available with the petitioner, the same can be confronted to the investigating officer who had investigated the matter besides requiring the prosecution agency to admit or deny the said report as per provisions of Section 294 (3) Cr.P.C.

The prayer of the petitioner for production of report dated 24.3.2009, has been declined on the ground that the said report is also not part of the report of the police under Section 173 (2) Cr.P.C. It will not be appropriate to direct the prosecution agency to produce a document on which it is not relying.

The petition is dismissed for above said reasons.

It is made clear that in case any document is used by the prosecution agency against the petitioner, the petitioner would be entitled to a copy of the said document before it is brought on the record.

(M.M.S. BEDI)
JUDGE

November 17, 2016.
rka

Whether speaking / reasoned
Whether reportable:

Yes / No
Yes / No