

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-21670-2017 (O&M)

Date of decision: July 18, 2017.

Parminder Singh @ Pamma

... **Petitioner**

v.

State of Punjab

... **Respondent**

CORAM: **HON'BLE MR. JUSTICE A.B. CHAUDHARI**

Present: Shri Jitender Singh Dadwal, Advocate for the petitioner(s).

Ms. Samina Dhir, Deputy Advocate General, Punjab.

A.B. Chaudhari, J. (Oral):

Heard learned Counsel for the rival parties.

Learned Counsel for the petitioner has prayed for the grant of regular bail to the petitioner in FIR No.23 dated 13.2.2016, under Sections 304, 328, 34 IPC, later on added Section 302 IPC and deleted Section 304 IPC, registered at Police station Salem Tabri, Ludhiana.

Undoubtedly, the petitioner is in jail since 14.2.2016. Material witnesses have been examined. I have seen the evidence of the material witnesses. Learned Counsel for the State submits that now the Analyst's report has also been received which shows that there is no evidence of administration of poison.

Without commenting on the merits of the matter, I think since the petitioner is in jail for a long period, it would be appropriate to direct the trial court to complete the trial expeditiously and in any case by 16.8.2017.

The prosecution as well as the trial court both are directed to see that the trial is completed because the material witnesses have been examined and now the report of Analyst has also been received. Thus, the petition is disposed of with the above directions.

If the trial is not completed within the stipulated period, liberty is reserved in favour of the petitioner to apply for grant of bail afresh.

The report of the Assistant Chemical Examiner dated 18.7.2017 has been received today, i.e., 18.7.2017, pursuant to the bailable warrants issued by this Court on 13.7.2017. The report shows that the viscera sample was despatched on 8.2.2016 to the Laboratory and was duly received by the Assistant Chemical Examiner on 9.2.2016. Learned Counsel for the State also states that in ordinary course, it takes approximately one month to finalize the report. However, in the present case, though the trial started but the report was never received. It is at this stage when the petition for regular bail has been filed that the lapse on the part of the laboratory in furnishing the report to the trial court has surfaced.

In that view of the matter, Chemical Examiner to the Govt. Punjab, Kharar is directed to file an affidavit as to the person responsible for not preparing and furnishing the report to the trial court within the reasonable time. The Chemical Examiner shall also issue instructions that preparation of the viscera report etc. must be made on top priority basis and in any case the reports shall not be kept pending for a period of more than three months. The Chemical Examiner is also directed to take action against the persons responsible and make report by the next date.

Put up on 9.8.2017 for further directions.

Copy of the order be given dasti to Learned Counsel for the State under the signatures of the Bench Secretary for onward transmission and compliance.

July 18, 2017.

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[**A.B. Chaudhari**]
Judge

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No