

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**Crl. Misc. No.M-42451 of 2017(O&M)
Date of Decision: 27.11.2017**

Hardeep Singh

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. T.P.S.Makkar, Advocate
for the petitioner.

LISA GILL, J(Oral).

Prayer in this petition is for setting aside order dated 10.10.2017 (Annexure P-8), passed by the learned Sessions Judge, Sangrur, whereby the petitioner's application for sending slide and swabs along with clothes of the victim to Central Forensic Chemical Laboratory, Hyderabad, for seeking second/expert opinion, has been dismissed.

It is submitted that FIR against the petitioner was registered under Sections 376, 511, 342, 354-B, 506 IPC and Section 8 of the Protection of Children from Sexual Offences Act, 2012, Police Station Moonak, District Sangrur. Allegations of rape were never raised. Therefore, it would be desirable to send the samples to Central Forensic Chemical Laboratory, Hyderabad, for seeking second/expert opinion. The learned trial Court has wrongly dismissed his application.

I have heard learned counsel for the petitioner and have carefully gone through the file with his able assistance.

It is specifically observed by the learned Sessions Judge, Sangrur, that no charge has been framed against the petitioner under Section

376 IPC. In this view of the matter, it is opined that there is no ground for sending the sample for getting the second/ expert opinion from Central Forensic Chemical Laboratory, Hyderabad.

Learned counsel for the petitioner is unable to point out any illegality, infirmity or perversity in the impugned order dated 10.10.2017, passed by the learned Sessions Judge, Sangrur, which calls for interference by this Court in exercise of jurisdiction under Section 482 Cr.P.C.

Accordingly, this petition is dismissed.

27.11.2017
s.khan

[LISA GILL]
Judge

Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No