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

230(2nd case)

**Civil Writ Petition No.6035 of 2015
Date of decision: December 04, 2017**

Court on its own motion

....Petitioner

versus

State of Punjab and others

....Respondents

***CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MR. JUSTICE AMIT RAWAL***

Present: Mr. Pankaj Gupta, Addl. A.G., Punjab.

Mr. Sandeep Moudgil, Addl. A.G., Haryana.

Mr. Arun Gosain, Central Govt. Counsel for CFSL.

Mr. Parminder Singh Kanwar, Advocate
for UT, Chandigarh.

AJAY KUMAR MITTAL, J. (Oral)

1. On a reference note dated 24.03.2015 addressed by the then Administrative Judge, Sessions Division, Rupnagar, the same was treated as a Public Interest Litigation under Article 226 of the Constitution of India and numbered as CWP No.6035 of 2015.

2. It was recorded in the note of the then Administrative Judge that in most of the cases, challans and reports from CFSL are not being presented in time by the police and the CFSL authorities,

which results in languishing of accused in jail for an inordinate period without facing any trial. In most of the cases under the Narcotics Drugs and Psychotropic Substances Act, 1985, the report of CFSL is essential in order to ascertain the offence and the extent thereof. The delay in receipt of report of CFSL not only infringes the fundamental rights of the accused to a speedy trial but also infringes his right to life and liberty guaranteed under the Constitution of India.

3. Vide order dated October 09, 2017, the District & Sessions Judge, Rupnagar was directed to submit a report mentioning whether any case of bail is being adjourned for want of CFSL report in that district or not.

4. In context thereto, a report dated 02.11.2017 from the District & Sessions Judge, Rupnagar was received wherein it has been mentioned that only eight bail applications are pending in District Courts, Rupnagar for want of CFSL reports.

5. Vide Civil Misc. No.17356 of 2017 in CWP No.5385 of 2014, an affidavit of Dr. S.K. Jain, Director, Central Forensic Science Laboratory, Directorate of Forensic Science Services, Ministry of Home Affairs, Government of India at Chandigarh has been filed wherein it has been mentioned that three reporting officers from Chemical Science have also been deployed to examine and report the NDPS cases at CFSL, Chandigarh and presently, 47 NDPS cases of Chandigarh Police excluding the zero period are pending in the Chemistry Division for examination. The above said cases are already given for examination to the experts and are under

examination with them.

6. In view of the above, the present petition is disposed of by directing the CFSL authorities to furnish the reports in the aforementioned eight cases expeditiously preferably within three months from the date of receipt of certified copy of the order. The copy of the order along with the report of District and Sessions Judge, Rupnagar dated 02.11.2017 be forwarded to the Director, CFSL, Plot No.2, Sector 36-A, Chandigarh for compliance.

(AJAY KUMAR MITTAL)
JUDGE

December 04, 2017
sonia gugnani

(AMIT RAWAL)
JUDGE

Whether speaking/reasoned?

Yes/No

Whether reportable?

Yes/No