

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

CRM-M-8894-2017 (O&M)

Date of Decision: 23.05.2018

Satnam Singh

... Petitioner

Vs.

State of Punjab

... Respondents

CORAM : HON'BLE MR. JUSTICE P.B. BAJANTHRI

Present : Mr. Tapan Yadav, Advocate
for the petitioner.

Ms. Rajni Gupta, Sr. D.A.G. Punjab.

P.B. BAJANTHRI J. (Oral)

In the instant petition, petitioner has challenged the order dated 06.03.2017 passed by Judge Special Court/Addl. Sessions Judge, S.A.S. Nagar Mohali insofar as rejection of his application filed under Section 91/311 Cr.P.C.

2. Grievance of the petitioner is that he is entitled to know the details/information of the recovered drugs like recording of Batch No., Manufacturing No., Expiry dates and Company name etc. His application has been rejected on the score that such request is belated since three defence witnesses have already been examined and it was fixed for remaining defence evidence and it is also observed that petitioner's application is only to protract the trial of the case.

3. Learned counsel for the petitioner submitted that during cross examination of Dharam Singh who has appeared as PW-3 has stated that "I have not seen property in court today". In view of the said statement, learned counsel for the petitioner submitted that it is necessary to know the details of the recovered drugs like Batch No., Manufacturing No., Expiry dates and Company name etc. which would assist his case.

4. While resisting the contention of the petitioner, learned State counsel submitted that the present petition is filed only to prolong the trial and petitioner had ample opportunity at the time of examination of prosecution witnesses.

5. Heard the learned counsel for the parties.

6. As the accused is facing trial under the NDPS Act, it is necessary to afford him opportunity to go through the samples and it is appropriate to permit him to go through the details relating to the recovered drugs like recording of Batch No., Manufacturing No., Expiry dates and Company name etc. to defend his case.

7. In view of the above facts and circumstances, order dated 6.3.2017 is set aside and Judge Special Court, S.A.S. Nagar, Mohali/Trial Court is directed to permit the petitioner to go through the details of recovered drugs like recording of Batch No., Manufacturing No., Expiry dates and Company name etc which would be made available by the State/Competent Authority in accordance with law. The aforesaid procedure be complied within a period of four weeks from the date of receipt of this order. This order will not allow the petitioner to open the prosecution evidence. His right is restricted to urge his evidence further.

8. Petition stands allowed accordingly.

23.05.2018
rajeev

(P.B. Bajanthri)
Judge

Whether speaking/reasoned **Yes/No**

Whether reportable **Yes/No**