

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

CRM-M-22907-2018 (O&M)

Date of decision : 13.11.2019

Kapil Singla

...Petitioner

Versus

State of Punjab and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rakesh Chopra, Advocate for the petitioner.

Mr. Surinder Pal Singh Tinna, Additional A.G. Punjab.

ANIL KSHETARPAL, J. (ORAL)

Challenge is to the order passed by the learned Sub Divisional Judicial Magistrate, Amloh dated 03.11.2017 rejecting the cancellation/untraced report filed by the Prosecuting Agency on the ground that report of the Chemical Examiner and the report of Expert after examining viscera have not been annexed with the cancellation/untraced report.

Learned counsel for the petitioner contends that both the reports referred to above were part of cancellation/untraced report. However, learned Court has overlooked the same. He further submits that reports of the Chemical Examiner and Department of Pathology are Annexures P-7 and P-8 to this petition.

Learned counsel for the State, on instructions from HC Gurbhej

Singh, has submitted that although these reports were part of the cancellation report, however, the Prosecuting Agency has another set of reports which shall be placed before the learned Court of Judicial Magistrate.

Keeping in view the aforesaid facts, learned Judicial Magistrate is requested to pass a fresh order after considering the reports and other material placed on record by the Prosecuting Agency.

Parties through their counsel are directed to appear before the Judicial Magistrate on 26.11.2019.

It is expected that the Judicial Magistrate would pass fresh order within 30 days.

In view of what has been observed above, the present petition is disposed of.

13.11.2019

Pawan

(ANIL KSHETARPAL)

JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No