

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

**CRR-3073-2013 (O&M)
Date of decision-28.02.2019**

Sukhdev Singh

....Petitioner

Vs.

State of Punjab

...Respondent

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. S.C.Sabharwal, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

MANOJ BAJAJ, J.

The petitioner has filed this revision petition to challenge the order dated 07.08.2013 whereby the trial Court proceeded to frame charges against him for the offence punishable under Section 22 of Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'NDPS Act').

Learned counsel for the petitioner has argued that after completion of investigation, the challan was filed on 03.06.2013 without the Forensic Science Laboratory (FSL) report. It is further pointed out that this Court in CRM-M-26114-2013 extended the concession of interim bail on 13.09.2013 on the ground that there is no FSL report on record to *prima facie* show that the contraband recovered falls within the ambit of NDPS Act, 1985.

On the other hand, learned State counsel assisted by HC Pargat Singh has pointed out that the FSL report stands filed before the trial Court

on 11.11.2013. A perusal of the impugned judgment and charge-sheet reveals that the trial Court has framed the charges in the absence of the FSL report.

In view of the above, the impugned orders are set aside and the case is remanded back to the trial Court for taking all the proceedings afresh for framing of the charges after considering the entire material and record of the case.

Parties are directed to appear before the trial Court on 29.03.2019.

Disposed off.

(MANOJ BAJAJ)
JUDGE

28.02.2019
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No