

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

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**CRM-M No. 37887 of 2018 (O & M)
Decided on: 28.2.2019**

Kulvir Singh

.....Petitioner

Versus

The State of Punjab and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present: Mr. G.S. Bhasin, Advocate with
Mr. Ishwar Chander Julka, Advocate, for the petitioner

Ms. Bhawna Gupta, DAG, Punjab

Daya Chaudhary, J.(Oral)

This petition has been filed under Section 482 Cr.P.C. seeking direction to respondent No.3-CBI or any other independent agency for further investigation in case FIR No.103 dated 10.5.2018, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short 'NDPS Act'), registered at Police Station Kotwali, Bathinda. A prayer has also been made for issuance of direction to respondent No.2 to take on record the CD (Annexure P4) for sending the same to CFSL for its examination to stay the proceedings before the trial Court till CFSL report is received.

Learned State counsel submits that all prosecution witnesses have been examined and statement of accused under Section 313 Cr.P.C. is to be recorded on the next date of hearing fixed before the trial Court i.e. 5.3.2019.

Learned counsel for the petitioner submits that application filed by the petitioner, wherein request has been made to take CD on record, is pending

and no action has been taken by the trial Court.

The trial Court is directed to consider the application in accordance with law, if not decided so far.

In the meanwhile, the petitioner is at liberty to avail the appropriate remedy with regard to the contents of CD as defence witnesses have not been recorded so far. In case the petitioner is aggrieved with the order passed by the trial Court, he is also at liberty to avail appropriate remedy.

The present petition is disposed of.

(DAYA CHAUDHARY)
JUDGE

28.2.2018

Ashwani

Speaking/Non-speaking : Yes/No
Reportable/Reasoned : Yes/No