

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

CRM-M No.18037 of 2015 (O&M)

Date of decision: 19.02.2020

Rakesh Kumar @ Bobby

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Sandeep Sharma, Advocate
for Mr. Veneet Sharma, Advocate
for the petitioner.

Mr. Joginder Pal Ratra, DAG, Punjab.

ARVIND SINGH SANGWAN J. (Oral)

This petition is pending since 2015 and on 13.08.2015, the presentation of the challan was stayed by this Court noticing a fact that the Investigating Officer has mentioned in the FIR that the alleged intoxicant powder recovered from the wife of the petitioner was *amphentamine* whereas, there was no such report of the Chemical Examiner and the Investigating Officer was not an expert.

Counsel for the State submits that as per the FSL report, the salt was found to be *Diphenoxylate Hydrochloride*, which would fall in the category of the narcotic substance. It is further submitted that subsequent thereto the petitioner himself is implicated in an FIR under the NDPS Act in Jammu & Kashmir.

In view of the above, the stay granted vide order dated 13.08.2015 is vacated.

The Investigating Officer is directed to submit the report under Section 173 Cr.P.C. with the trial Court/Illaqa Magistrate.

Liberty is granted to the petitioner to raise all the pleas/defences taken in this petition at the time of framing of the charge.

The petition is disposed of accordingly.

(ARVIND SINGH SANGWAN)
JUDGE

19.02.2020
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No