

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

116

CRR-1191-2022 (O&M)

Date of Decision: 14.12.2022

STATE OF HARYANA

... Petitioner

Versus

VIKAS @ VICKY @ CHHOTU

... Respondent

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Rupinder Singh Jhand, Additional AG Haryana.

HARNARESH SINGH GILL, J.(Oral)

Challenge in this petition is to the order dated 29.11.2021 passed by the learned Sessions Judge, Ambala, vide which the application filed under Section 311 Cr.P.C. by the petitioner-State, for sealing the parcel and sending the same to FSL, was dismissed.

Learned counsel for the petitioner-State submits that the prosecution agency moved an application under Section 311 Cr.P.C. for sending the carbine (recovered in the year 2018) for FSL examination, but the same has arbitrarily been dismissed by the Court below, without taking into the facts and circumstances of the case and that the said carbine is a vital evidence in the present case and will help in establishing the guilt of the accused.

I have heard the learned counsel for the petitioner-State.

I do not find any infirmity in the impugned order passed by the learned Sessions Judge, Ambala.

As noticed in the order dated 29.11.2021, the challan in the

present case was presented on 19.08.2018; till today 26 prosecution witnesses have already been examined and on 29.09.2021, the prosecution agency moved an application under Section 91 read with Section 311 Cr.P.C. for sending country made carbine to the FSL and the same was dismissed as withdrawn, without seeking liberty to file a fresh one, at a later stage.

There is no proper justification as to why the carbine was not sealed and sent for chemical examination, at the relevant time and is now being sought to be examined, after a considerable gap of about three-four years.

In view of the above, no ground is made out to interfere with the well reasoned order dated 29.11.2021 passed by the Court below.

Dismissed.

14.12.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>