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

CRM-M-62722-2024Date of Decision: **13.12.2024**

Pankaj Goyal

...Petitioner

Versus

Union of India through Drugs Inspector

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL**Present:** Dr. Sandeep Kumar Passi, Advocate
for the petitioner.

GURVINDER SINGH GILL, J. (ORAL)

The petitioner assails complaint case No.CIS/SC/123/2023 dated 01.08.2019 and also the summoning order dated 06.04.2023 passed by the learned Chief Judicial Magistrate, Patiala.

Learned counsel for the petitioner vehemently argued that he has been deprived of his invaluable right for getting the second sample analyzed inasmuch as it was only on 30.03.2017 that the sample was furnished to him and that although thereafter he had also applied for getting the second sample reanalyzed vide letter dated 27.04.2017 (Annexure P-11), but the needful has not been done.

Pursuant to advance notice, Mr. Akash Vashisth, Advocate, has put in appearance on behalf of the UOI/respondent and has submitted that as a matter of fact requisite notice was issued to the petitioner on 29.09.2016 (Annexure P-4) and that as such, the petitioner himself never having taken any step for getting the sample reanalyzed within the requisite period of 28 days, it is the petitioner himself, who has to be blamed for that.

A perusal of notice dated 29.09.2016 (Annexure P-4) shows that the petitioner had been duly intimated and a notice had been issued to him to show cause as to why action be not taken against him, but he did not take any step so as to get the second sample reanalyzed during the prescribed period. Under these circumstances, the petitioner cannot claim to have been prejudiced in any manner and it cannot be said that he has been deprived of his right to get the second sample reanalyzed.

Another submission canvassed before this Court is that it is a case of double jeopardy inasmuch as apart from initiating the criminal prosecution, his license has also been suspended.

The suspension of a license as well as criminal prosecution are different courses of action and it cannot be said that in case one course is resorted to the second course would be barred.

The petition is sans merit and is hereby dismissed.

(GURVINDER SINGH GILL)
JUDGE

13.12.2024
Parveen kumar

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