

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

**C.R.M-M No.20469 of 2013(O&M)
Date of Decision : 23.01.2015**

Sukhdev Singh

..... Petitioner

Versus

The State of Punjab

..... Respondent

CORAM : HON'BLE MR. JUSTICE AJAY TEWARI

Present : Mr. R.S. Aulakh, Advocate
for the petitioner.

Mr. A.P.S. Gill, A.A.G., Punjab.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

AJAY TEWARI, J. (Oral)

This petition has been filed for quashing the order dated 13.10.2011 passed by the Special Court, Ludhiana dismissing the application for discharge of accused-petitioner in case FIR No.48 dated 04.04.2011 registered under Sections 15, 25, 61 & 85 of the NDPS Act at Police Station Dakha, District Ludhiana Rural.

Learned counsel for the petitioner has argued that the petitioner has been implicated only on the ground that he was owner of the vehicle from which the contraband was seized. However, on the date when the contraband was seized he was in custody in another case and it was his

positive assertion that the vehicle had been given by him to the main accused Vijay Kumar.

Learned Assistant Advocate General has accepted the factual assertion that on the date of seizure the petitioner was in jail and because of this reason the police did not mention his name as an accused in the final report under Section 173 Cr.P.C.

To my mind, the order of the Special Court is extremely pedantic. Once it was shown that the petitioner was in jail at the time of the occurrence it is very hard to link him with the offence merely because of the fact that he was the owner of the said vehicle.

Consequently, the petition is allowed. The impugned order dated 13.10.2011 is set aside and the petitioner is discharged.

Since the main case has been decided, the pending criminal miscellaneous application, if any, also stands disposed of.

January 23, 2015

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**(AJAY TEWARI)
JUDGE**