

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

Crl. Misc. No.M- 20281 of 2014(O&M)

Date of Decision: January 16, 2015.

Gurcharan Singh @ Goggi

..... PETITIONER (s)

Versus

State of Punjab

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Rajesh Kumar Girdhar, Advocate
for the petitioner.

Mr. K.S.Sidhu, DAG, 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?

LISA GILL, J.

Petitioner prays for anticipatory bail in FIR No.49 dated 22.05.2014, under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as the 'NDPS Act') and Section 25 of the Arms Act, 1959, registered at police station Mehna, District Moga.

As per prosecution version, SHO Police Station Mehna had informed ASI Sukhjinder Singh to conduct a search of the residential house of Balram Singh on receiving instructions on telephone from Deputy

Superintendent of Police, Dharamkot. Balram Singh son of Mohinder Singh appeared before ASI Sukhjinder Singh on 22.05.2014 and made a statement to the effect that an unclaimed envelope containing some suspicious material was lying atop the roof of bathroom constructed by him in his residential house. ASI Sukhjinder Singh alongwith others reached the house of Balram Singh and checked the said envelope lying atop the roof of bathroom of the house of Balram Singh. It led to recovery of a country-made pistol and narcotics. The abovesaid FIR No.49 dated 22.05.2014 was registered. Statement of one Hardev Singh was recorded on 25.05.2014 under Section 161 Cr.P.C. to the effect that he had seen the petitioner and one Kashmir Singh while placing the said envelope atop the roof of bathroom of the residential house of Balram Singh. The said statement under Section 161 Cr.P.C. was not only having the stamp of the Police Station but also signatures of Hardev Singh.

This Court while expressing its displeasure in the manner in which the case had been dealt with initially and investigated by the police, asked the Senior Superintendent of Police, Moga to remain present in Court. Direction was issued for setting up of a Special Investigation Team to conduct a detailed and thorough investigation and take the matter to its logical end. Special Investigation Team was constituted and investigation of the matter was being conducted by SI Jagtar Singh under the supervision of Rachhpal Singh, Deputy Superintendent of Police, Dharamkot. However, it is informed that now the matter is being investigated by Inspector Gurwinder Singh under the supervision of Gurbinder Singh, DSP Dharamkot. The earlier incumbents stands transferred. Investigation of the case is pending with the Special

Investigation Team and it is assured that the matter shall be investigated in a proper manner.

Learned counsel for the State, on instructions from ASI Sukhjinder Singh, confirms that the petitioner has joined investigation. However, prayer is made that petitioner should be directed to give his voice sample as it is required for comparison with a relevant Compact Disc recovered from the wife of co-accused Kashmir Singh.

Learned counsel for the petitioner submits that petitioner has no objection to giving of voice sample.

There are no allegations on behalf of the State that petitioner is likely to abscond or that he is likely to dissuade the witnesses from deposing true facts in the Court, if released on bail.

In view of the above but without commenting or expressing any opinion on the merits of the case, order dated 30.06.2014 is made absolute. Petitioner shall appear before the Investigating Officer as and when required by the investigating agency.

Petition is accordingly allowed.

January 16, 2015.
'om'

(LISA GILL)
JUDGE