

CRM-M-2034-2015 (O&M)

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

**CRM-M-2034-2015 (O&M).
Decided on: February 6, 2015.**

Nishan Singh

..... Petitioner(s)

Versus

State of Punjab and others

..... Respondent(s)

*** * ***

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

**PRESENT Mr.Vaneet Kumar Sharma, Advocate,
for the petitioner.**

M.M.S. BEDI, J (ORAL)

The petitioner, through the instant petition under Section 482 Cr.P.C., seeks transfer of the investigation of criminal case registered under Section 22 of the NDPS Act, regarding recovery of 32 packets of Phenotil and 4 packets of Momotil.

Counsel for the petitioner submits that on account of political vendetta and to settle personal scores, the petitioner has been involved in the case as he belongs to the party which is in opposition in Punjab.

On asking of the Court, counsel for the petitioner informs that the petitioner is on bail and challan has not been presented. The matter is still under investigation.

Counsel for the petitioner has insisted that it is the duty of the investigating agency to arrive at a just conclusion on the basis of the evidence produced.

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He relies upon affidavits Annexures P2, P3 and P4, claiming that these are the affidavits of the persons who were present at the time of the alleged time when the petitioner was arrested. Interference in investigation by a Court is not warranted. It is settled principle of law that the Courts have got no jurisdiction to issue any direction during the course of investigation unless and until there are violation of statutory provisions. In the present case, the matter is still under investigation which is covered under Chapter XII of the Code of Criminal Procedure. As per Section 163 (2) Cr.P.C., no police officer or other person shall prevent any person from making a statement offered with free will.

Notice of motion to the Advocate General, Punjab.

On asking of the Court, notice has been accepted by Mr.J.S.Brar, AAG., Punjab, present in the Court. Copy given.

I have considered the facts and circumstances of the case. Since it is a case of alleged recovery of narcotics drugs, no opinion can be expressed by entering into the niceties of the trial.

This petition is disposed of with a direction that in case Sadhu Singh son of Mahinder Singh, Gurdev Singh son of Ajit Singh and Bohar Singh son of Piara Singh voluntarily approach the investigating officer to provide information connected with the crime, their statements if offered with their free consent will be taken into consideration subject to their credibility and bona fide without prejudice to the rights of the petitioner to take up all the pleas of

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defence at opportune time during trial in case the prosecution agency
opts to present challan against the petitioner.

February 6, 2015.
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(M.M.S. BEDI)
JUDGE