

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

Crl. Misc. No.M-29138 of 2015

Date of Decision: 31.08.2015

Rajni Goyal

....Petitioner

Versus

State of Punjab and others

....Respondents

BEFORE :- HON'BLE MRS. JUSTICE DAYA CHAUDHARY

Present:- Mr. J.S. Khiva, Advocate
for the petitioner.

DAYA CHAUDHARY, J. (ORAL)

This petition has been filed under Section 482 Cr.P.C for fair investigation in case FIR No.58 dated 27.05.2015 registered under Section 22 of the Narcotic Drugs and Psychotropic Substance Act, 1985 at Police Station Sadar Mansa, District Mansa.

Learned counsel for the petitioner submits that brother of the petitioner, namely, Vishal Kumar and one Bhakar @ Balwinder Singh were sitting in the shop of the petitioner and three unidentified persons came in Innova Car and forcibly dragged Vishal Kumar and Bhakar @ Balwinder Singh into the car. Learned counsel also submits that a complaint was also made by the petitioner on 27.05.2015 that one Innova Car was parked in front of his house, which was seen by her mother. However, some persons came out from the Innova Car and asked the petitioner about her brother but he was not present in the house. Learned counsel also submits that said Bhakar @ Balwinder Singh has been released, whereas, brother of the petitioner, namely, Vishal Kumar has been implicated in the false case.

Said Bhakar @ Balwinder Singh has also given an affidavit in this regard, which is annexed as Annexure P-6 with the petition. Learned counsel further submits that the brother of the petitioner is not involved in the case and alleged recovery has been planted upon the petitioner just to save the skin by the police officials as the complaint was lodged one day earlier on helpline No.181. Bhakar @ Balwinder Singh, who is an eye witness, has stated the entire incident in his affidavit.

Heard.

Admittedly, the investigation in the case has not been completed so far and hence, nothing can be said at this stage as to whether the challan is going to be presented against brother of the petitioner or not. It has also come on record that the petitioner has moved a representation to Director General of Police (Punjab), Chandigarh, which is annexed as Annexure P-3 with the petition.

Without issuing notice to the Advocate General, Punjab and by considering the fact that the investigation has not been completed in the case, it is presumed that while conducting investigation, all facts and documents will be considered that as to how the petitioner has been held to be connected with the alleged offence and the same will be a part of challan.

Accordingly, the present petition is disposed of with a direction to respondent No.2 to consider the representation moved by the petitioner (Annexure P-3) before conclusion of investigation.

Disposed of accordingly.

31.08.2015
gurpreet

(DAYA CHAUDHARY)
JUDGE