

In the High Court of Punjab and Haryana at Chandigarh

Crl. Revision No. 2472 of 2015
Date of decision: 29.10.2015

Paramjit Singh

.....Petitioner

Versus

State of Punjab

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Arun Singla, Advocate for
Mr. Sanjeev Sharma, Advocate
for the petitioner.

SABINA, J.

Petitioner had faced the trial qua commission of offence punishable under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985 ('Act' for short) in FIR No. 101 dated 5.7.2012, registered at Police Station Shahkot. Juvenile Justice Board vide judgment/order dated 4.6.2014 ordered the conviction and sentence of the petitioner under Section 21 of the Act. Aggrieved against the said judgment/order of his conviction and sentence, petitioner preferred an appeal and the same was dismissed by the Appellate Court vide order dated 8.4.2015. Hence, the present petition by the petitioner.

Prosecution story, in brief, is that on 5.7.2012, Sub Inspector Jarnail Singh along with other police officials were present on the turn of village Fatehpur in connection with patrol duty. Police party received an information that Jagtar Singh, who was in jail in a case registered against him qua recovery of fake

currency, was running the business of supply of drugs through his son Paramjit Singh. After supplying heroin, Paramjit Singh had returned home and he was also going to supply heroin to some other customers and in case a raid was organized, heroin could be recovered. On the basis of the said information, a raid was organized. Paramjit Singh-petitioner was coming out of his house and on seeing the police party, he tried to run away in the fields but was apprehended by the police party. On inquiry, petitioner disclosed his name as Paramjit Singh. Sub Inspector Jarnail Singh disclosed his identity to the petitioner and told him that he had suspicion that he (petitioner) was in possession of some intoxicant substance and he wanted to search him. An offer was also given to the petitioner that he could get his search effected in the presence of a gazetted officer or a Magistrate. Petitioner reposed confidence in Sub Inspector Jarnail Singh. On search of the petitioner, 100 grams of heroin was recovered from the right pocket of his *pajama*. Two samples weighing 5 grams each were separated and were made into parcels. The remaining heroin weighing 90 grams was also made into separate parcel. Samples as well as the parcel containing 90 grams heroin were made into sealed parcels and were sealed with seal bearing impression 'JS'. On personal search of the petitioner, ₹ 3,00,000/- were recovered and the same were taken in possession.

After completion of investigation and necessary formalities, challan was presented against the petitioner.

Learned counsel for the petitioner has submitted that the Courts below had erred in ordering the conviction and sentence of the petitioner qua commission of offence punishable under

Section 21 of the Act. Mandatory provisions of Section 50 of the Act had not been complied with.

In the present case, Sub Inspector Jarnail Singh appeared in the witness box as PW-1 and deposed as per the prosecution story. Statement of Sub Inspector Jarnail Singh was duly corroborated by other official witnesses. Sub Inspector Jarnail Singh gave an offer to the petitioner before his search that he could get the search effected from him (PW Jarnail Singh) or in the presence of a gazetted officer or a Magistrate. Hence, the Courts below rightly held that the argument raised by the learned counsel for the petitioner that mandatory provisions of Section 50 of the Act had not been complied with, was without any force. Petitioner had reposed confidence in PW Sub Inspector Jarnail Singh and in this regard a consent memo was prepared. On search of the petitioner, 100 grams of heroin was recovered from the pocket of his *pajama*. On further personal search of the petitioner, ₹ 3,00,000/- were recovered. Thus, it was proved on record that petitioner was in conscious possession of the contraband without any permit or licence and was also found in possession of ₹ 3,00,000/-. The official witnesses were acting in discharge of their official duty and had not ill will or enmity against the petitioner to have falsely involved him in this case. The plea taken by the petitioner that, in fact, recovery of ₹ 3,00,000/- had been falsely planted on him, was not established on record. In this regard, petitioner had examined DW-1 Gurdial Singh but the said witness had not made any complaint regarding demand of ₹ 3,00,000/- by the police. Hence, the Courts below had rightly held that no reliance could be placed on the testimony of DW-1.

In the facts and circumstances of the present case, the Courts below had rightly ordered the conviction and sentence of the petitioner under Section 21 of the Act.

No ground for interference by this Court is made out.

Dismissed.

**(SABINA)
JUDGE**

October 29, 2015

Gurpreet