

In the High Court of Punjab and Haryana at Chandigarh

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Criminal Misc. No.33064 of 2014
and
Criminal Revision No.3477 of 2014

.....

Date of decision:13.2.2015

Harpreet Singh Lamba

...Petitioner

v.

State of Punjab

Respondent

....

Coram: Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Anil Kumar Lamdharia, Advocate for the petitioner.

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Inderjit Singh, J.

Cr. Misc. No.33064 of 2014:

For the reasons mentioned in the criminal miscellaneous application, the delay of 48 days in filing the revision petition is condoned.

The criminal miscellaneous application stands disposed of.

Cr. Rev.3477 of 2014:

This criminal revision petition has been filed under Section 401 Cr.P.C. against the impugned order dated 12.6.2014 passed by learned Special Judge, Fatehgarh Sahib.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that challan has been presented against

the present petitioner as well as co-accused in FIR No.42 dated 22.3.2013 registered for the offences under Sections 22, 25 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as 'the Act') at Police Station Sirhind, District Fatehgarh Sahib.

Learned counsel for the petitioner argued that no offence is made out against the present revision petitioner and a false case has been planted upon the petitioner. He also argued that in view of the documents placed on record, the vehicle has been wrongly planted in this case. He further argued that the call details taken by the petitioner also do not connect the accused with the crime. He further argued that the recovery of 5 Kgs. intoxicant powder has been shown as per the prosecution version from his factory which does not fall in the jurisdiction of Sirhind. Therefore, the Court at Fatehgarh Sahib has no territorial jurisdiction.

From the record, I find that while framing the charges against the present petitioner and also for deciding the applications for their discharge, the learned Special Judge, Fatehgarh Sahib vide order dated 12.6.2014 passed a detailed order. In this case on 22.3.2013, the Police party headed by SI/SHO Sukhdev Singh, Police Station Sirhind while on patrol duty on receiving information laid down 'Naka' and one Skoda vehicle bearing registration No.HR-26-AM-8962 came and on seeing the Police party, the driver tried to turn back the vehicle. On suspicion, the police party stopped the Skoda vehicle, which was being driven by Rajinder Singh alias Raj and Kulvir Singh was sitting on the front seat. From the vehicle, 10 kgs. of intoxicant powder was recovered. During the

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investigation, on the statement of the co-accused further accused have been nominated. Similarly, on the basis of statement made by private witness Gurjinder Singh, present petitioner Harpreet Singh Lamba was named in this FIR and was arrested and intoxicant powder was recovered from his factory M/s NODM Power Supply. At the time of framing of the charge, the Court is only to see whether there is prima facie case made out from the report under Section 173 Cr.P.C. and the statements and documents relied upon by the prosecution. It is settled law that at that time ordinarily no document of the accused is to be considered. At this stage, the Court is only to see whether it is a case of some evidence or no evidence. At this stage, the Court is not to weigh the evidence for the purpose of conviction. Even sound suspicion is sufficient to frame the charge. In view of the investigation of the case and the fact that during investigation these accused have been shown dealing in the narcotics and other intoxicant substances etc. and even the recovery has been effected in view of the disclosure statement from the factory of the present petitioner/accused, in no way, it can be held that no case is made out against the petitioner to frame the charge. Secondly, as during the investigation of FIR No.42, the present petitioner has been nominated and found to be involved and he along with co-accused has been charged for the offences under Section 25-A, 25 and 29 of the Act, therefore, in no way, it can be held that the Court at Fatehgarh Sahib has no territorial jurisdiction.

Therefore, from the above, I find that order dated 12.6.2014 passed by the learned Special Judge, Fatehgarh Sahib is correct and as per

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law, which does not require any interference from this Court and the same is upheld.

Therefore, finding no merit in this criminal revision petition, the same is dismissed.

February 13, 2015.

(Inderjit Singh)
Judge

hsp