

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

CRWP No.1005 of 2015 (O&M)

Date of decision:07.08.2015

Sudagar Singh

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA.

Present: By post.

Mr. Mikhail Kad, AAG, Punjab.

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TEJINDER SINGH DHINDSA, J. (ORAL).

The present criminal writ petition (habeas corpus) was taken up on judicial side on the basis of an email having been received in the Registry containing allegations made by Sudagar Singh s/o Baldev Singh pertaining to false implication of his uncle namely, Gulzar Singh s/o Khushal Singh.

Upon notice of motion having been issued, reply by way of an affidavit of the Deputy Superintendent of Police, Sri Muktsar Sahib has been taken on record.

The Categorical stand taken on behalf of the State is in the following terms:

“1. That the petitioner has filed the present writ petition against the answering respondent by levelling false allegations that on 04.07.2015 at about 4.00 his uncle Gulzar Singh son of Khushal Singh resident of village Harike Kalan was arrested by the police of Police Station Bariwala, District Sri Muktsar from his house in his presence and nothing was recovered from

him at the time of his arrest. The real facts of the present petition are that on 4.7.2015 ASI Bashir Singh No.204/SMS alongwith the police party on patrolling and checking of the suspicious persons, was going from village Sarainaga to Harike Kalan and when this police party reached near the Sheller of Rimpi Seth then from there, Gulzar Singh son of Khushal Singh and Puran Singh son of Jeet Singh residents of village Harike Kalan were arrested on the basis of suspicion and both of them were searched as per law and rules and during search, 150 gram of Opium was recovered from Gulzar Singh and 200 gram of opium was recovered from Puran Singh. The samples of 10 grams each were taken out of the said recovered opium and separate parcels were prepared and then were duly stamped, as per law, being the case property. The other police party consisting of HC Balwinder Singh No.158, HC Iqbal Singh No.344 put their respective witnesses on the same. In this way, Gulzar Singh and Puran Singh above kept in their possession the above quantity of opium without having any permit and have committed offence under Sections 18/61/85 of the NDPS Act and on the basis of above detailed recovery from the accused, FIR No.54, dated 4.7.2015 was registered u/s 18/61/85 of NDPS Act against Gulzar Singh (uncle of the petitioner) and co-accused Puran Singh named above at PS Bariwala. The accused persons were accordingly arrested and were produced before the court of Smt. Rajni Chhokra, ACJM, Sri Muktsar Sahib and they were sent to judicial custody. The true translation of FIR is attached herewith as Annexure R1/T.”

In the light of such stand and averments noticed herein above, it is apparent that the present petition is completely mis-conceived.

Disposed of.

(TEJINDER SINGH DHINDSA)
JUDGE

07.08.2015