

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRWP No. 883 of 2015

Date of Decision : July 08, 2015

Anokh Singh

....Petitioner..

vs.

State of Punjab

....Respondent..

CORAM:- HON'BLE MR. JUSTICE JASPAL SINGH

Present:- None for the petitioner.

Ms. Priyanka Sadar, AAG, Punjab.

Jaspal Singh, J. (Oral)

A telegram/application moved by Anokh Singh son of Damman Singh was received in the office of Hon'ble Chief Justice's Secretariat, Punjab and Haryana High Court, which has been treated as CRWP No.883 of 2015.

In response to the notice of motion, Ms. Priyanka Sadar, AAG, Punjab has appeared.

Today, reply by way of affidavit of Sh. Gursharanjit Singh, PPS, Deputy Superintendent of Police (D), Ferozepur, District Ferozepur on behalf of respondent-State has been filed by learned State counsel, which is taken on record.

It would be appropriate to reproduce preliminary submission made in the reply, which reads as under:-

“That present petition of the petitioner is not maintainable as no cause of action arose to the petitioner to invoke the extraordinary jurisdiction of this Hon'ble Court. All the

allegations leveled by the petitioner against police of CIA Staff, Ferozepur and Police Station Mamdot are false and baseless. Neither any raid at the house of brother of petitioner namely Harbans Singh @ Bittu on 31.05.2015, as alleged by the petitioner in his petition, was conducted by the police of CIA Staff, Ferozepur or Police Station Mamdot nor any threat was ever given to the petitioner by the police. Actual facts are that on 28.02.2015 a police party headed by ASI Suresh Kumar was going to village Lakha Singh Wala Uttar, Hazara Singh Wala etc. on private motor cycles, in connection with patrol and when police party reached at bridge sua village Lakha Singh Wala Uttar then one person who was coming from front side was seen and on seeing the police party he immediately turned back. On suspicion police party apprehended said person and ASI Suresh Kumar introduced himself to said person and also asked his name who disclosed his name as Harbans Singh @ Bittu son of Damman Singh Caste Rai Sikh r/o Lakha Singh Wala Uttar. ASI Suresh Kumar told him that he is having doubt that he is possessing some intoxicant thing in his possession due to which his search is being conducted and according to law he has legal right to get searched himself before any Gazetted Officer or Magistrate and Harbans Singh replied that he has full faith on ASI Suresh Kumar and he can conduct his search. On this memo of consent was prepared

and during search from the right pocket of his worn pent Heroin wrapped in plastic polythene was recovered out of which two samples of 5/5 gram each were separated and parcels were prepared by storing the same in separate boxes and remaining heroin was weighted and same was 12 grams and same was also stored in another plastic box and separate parcel was prepared. All the parcels were sealed by ASI Ramesh Kumar in accordance with law with his seal impression SK. Due to which a case bearing FIR No. 23, dated 28.02.2015 under Section 21 of the NDPS Act, Police Station Mamdot has been registered against the brother of petitioner namely Harbans Singh @ Bittu son of Damman Singh resident of Lakha Singh Wala Uttar. After completion of investigation challan against Harbans Singh has been produced before the court of Ld. Special Judge, Ferozepur on 21.03.2015 and now the same is fixed for 11.07.2015 for framing of charge. Now petitioner has filed the present petition only with intention to pressurize the police department and create evidence in favour of his brother Harbans Singh.”

A glance at the aforesaid submission makes it crystal clear that Harbans Singh @ Bittu son of Damman Singh was arrested by the police party on February 28, 2015 and on search, he was found in possession of heroin wrapped in polythene, regarding which FIR No. 23, dated 28.02.2015 was registered under Section 21 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

It has further been submitted in the reply furnished by the learned State counsel that house of Harbans Singh @ Bittu was neither raided by CIA Staff, Ferozepur or by official of the Police Station, Mamdot nor any threat was ever given as alleged by the petitioner.

From the contents of reply, it is clear that apprehension of the petitioner is unfounded and un-substantiate. It appears that telegram has been sent by the brother of alleged detainee either just to create any evidence or to put pressure upon the police, so that he may not arrested in future while doing any unlawful act.

Accordingly, petition stands dismissed.

July 08, 2015
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(JASPAL SINGH)
JUDGE