

CWP No.8870 of 2015

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

CWP No.8870 of 2015
Date of decision: 14.08.2015

Tilak Raj

....Petitioner

Versus

State of Punjab and others

....Respondents

CWP No.2438 of 2015

Anita alias Baby

....Petitioner

Versus

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH

- 1) Whether Reporters of the local papers may be allowed to see the judgment ?
- 2) To be referred to the Reporters or not ?
- 3) Whether the judgment should be reported in the Digest ?

Present: - Mr. Sudhir Sharma, Advocate, for the petitioner,
in CWP No.8870 of 2015.
Mr. A.D.S. Sukhija, Advocate, for the petitioner,
in CWP No.2438 of 2015.
Mr. Amit Chaudhary, Addl. A.G., Punjab.
Mr. Atul Gaur, Advocate, for
Mr. Sumeet Goel, Advocate, for CBI.

PARAMJEET SINGH, J. (ORAL)

This order shall dispose of CWP No.8870 of 2015 titled 'Tilak Raj v. State of Punjab and others' and CWP No.2438 of 2015 titled ' Anita alias Baby v. State of Punjab and others' as in both the writ petitions prayer is for fair investigation in case FIR No.114 dated

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16.12.2014 registered against Tilak Raj (petitioner in CWP no.8870) under Sections 21/22 of the Narcotic Drugs and Psychotropic Substances Act, at Police Station Division No.1, Pathankot, by some independent agency outside the jurisdiction of District Pathankot.

For the sake of brevity, facts are being taken from CWP No.8870 of 2015.

It is averred that at the instance of complainant Gulshan Kumar ASI, petitioner was called by a Constable to the Police Station and thereafter aforesaid FIR was registered against him. Petitioner has relied upon various photographs annexed with both the petitions as Annexure-P-2. From the photographs, presence of petitioner Tilak Raj, a police official and other person with whom the petitioner accompanied, is clear.

In pursuance of notice of motion, respondents have filed their replies. In its reply, State has submitted that CIA staff received a secret information from informer that Tilak Raj s/o Banka Ram r/o Green Avenue, Near Railway Station Sujampur, was doing the business of selling whisky and other intoxicants and was standing near DAV School on Mission Road with intoxicants in his possession and request for raid was made. As a result of it, an ASI along with police party went to the spot. On search by DSP Manoj Kumar, intoxicant powder was recovered from the petitioner. Thereafter he was taken to police station and aforesaid FIR was registered.

I have heard and considered the contentions raised by learned

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counsel for the parties.

Main contention of the learned counsel for the petitioner is that he has no faith in the police of District Pathankot as it is likely to support the case of ASI Gulshan Kumar and other police officials involved in this case.

Learned counsel for the State submits that he has no objection if the investigation of FIR in question is transferred to any other District.

With the consent of the learned counsel for the parties, investigation in aforesaid FIR is ordered to be transferred to District Jalandhar. Commissioner of Police, Jalandhar, shall appoint some senior officer to investigate the case.

Disposed of.

August 14, 2015
R.S.

(Paramjeet Singh)
Judge