

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM NO. M-13279 of 2016 (O&M)

Date of decision:- July 12, 2016

Charanjit Singh

...Petitioner...

versus

State of Punjab and others

...Respondents...

CORAM : HON'BLE MR. JUSTICE JASPAL SINGH

Present : Mr. Surinder Singh Siao, Advocate
for the petitioner.

1. Whether Reporters of 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?

JASPAL SINGH, J.
CRM-20251-2016

Documents (Annexures P-8 to P-10) are taken on record, subject
to all just exceptions.

CRM stands disposed of.

Main case

Instant petition has been preferred under Section 482 of the Code
of Criminal Procedure by Charanjit Singh seeking quashing of FIR No.125,
dated 31.05.2015, under Section 22 of the Narcotic Drugs and Psychotropic
Substances Act, 1985 (for short' "Act"), Police Station Samrala, Police
District Khanna, District Ludhiana along with all subsequent proceedings
with further prayer that the filing of report under Section 173 Cr.P.C. be

stayed, during the pendency of instant petition.

2. The contention of learned counsel for the petitioner is that on 15.06.2000, a cricket match was going on between petitioner's party and opposite party of Major Singh and Jyoti of Khamano, District Fatehgarh Sahib. When opposite group was defeated by the petitioner's party, opposite group could not tolerate their defeat. Resultantly, they started quarrelling with the petitioner's group. At that time, Jyoti and Bona hurled abuses and also gave slaps to the petitioner and even they also extended threats to the life of the petitioner as well as to involve him and his other partymen in a false case with the help of Paramjit Singh Khaira, DSP in Punjab Police, who is maternal uncle of aforesaid Jyoti. It was only, thereafter, the police started conducting raids at the house of the petitioner as well as his co-accused with an intention to involve them in a false criminal case. Finding no other option, the petitioner approached this Court vide CRM-M-20100-2000 captioned as "*Charanjit Singh vs. State of Punjab etc.*" seeking pre-arrest bail, which was granted to him. Thereafter, in the year 2000, the petitioner had left for Italy and returned to India in the year 2013. Since, Major Singh and others were finding an opportunity to involve the petitioner in some false case, they, at the instance of DSP Paramjit Singh Khaira falsely got registered the instant FIR involving the petitioner in the year 2015. The registration of FIR under Section 22 of the Act is nothing but is the result of long back revenge between two groups of students.

3. Learned counsel for the petitioner further contends that on 29.05.2015 at about 3:00 p.m., police party headed by respondent No.4 raided the house of the petitioner where he along with his wife and minor

children was present. Respondent No.4 without disclosing any reason of raid entered in the house along with other police officials and started misbehaving with him as well as his wife. On inquiry by the petitioner about the raid, respondent No.4 started abusing and beating him. Not only this, he also used filthy language against his wife when there was no female official accompanying the raiding party. On hearing commotion, inhabitants of village started attracting to the spot, who witnessed the entire incident. The petitioner was taken away by respondent No.4 in police vehicle forcibly. Even, some of the inhabitants of village also gave affidavits in this regard. Even, they also visited the police station and were assured by SHO-respondent No.3 that after inquiry, petitioner would be let off. Some of the villagers again visited the police station on 30.05.2015 and came to know that respondent No.4 registered FIR in question against the petitioner. The petitioner was kept in illegal detention for a period of 2 days at different places, subjected to torture and ultimately involved in this case. 50 gms powder was planted upon the petitioner. In fact, no intoxicant substance was recovered from him at any point of time. Even otherwise, no report under Section 173 Cr.P.C. has so far been presented by the investigating agency for the reason best known to them. The instant FIR is nothing but a result of the powers misused by Parmajit Singh Khaira, Retd. DSP.

4. This Court has given an anxious thought to the submissions made by learned counsel for the petitioner but find the same to be without any legal and factual substance.

5. Undoubtedly, FIR in question was registered under Section 22 of the Act with the allegations that the petitioner was found in possession of

50 gms of powder (intoxicant substance) without any permit and licence. He was intercepted with the aforesaid substance by the police party headed by ASI Teja Singh consisting of HC Amarjit Singh, PHG Sukhdev Singh in the area of Railway Bridge Untalan.

6. As per the contents of FIR, ASI Teja Singh made the petitioner aware that he wants to subject him to search and if he intends to get his search in the presence of some Gazetted Officer/Magistrate, he can be called at the spot but he reposed confidence in him. Accordingly, consent memo was prepared. Sample(s) as required under the provisions of Act and complying with the other procedures, the petitioner was arrested and the investigation was put into motion.

7. Merely, on the basis of affidavits of certain persons of the village, to which, the petitioner hails does not *ipso facto* mean that the case registered against him is false or that recovery of intoxicant powder has been planted upon him. Similarly, there is nothing on the record to suggest that he has been falsely implicated in the instant case with the help or at the instance of Paramjit Singh Khaira, a retired police officer. Even otherwise, he is stated to have returned to India in the year 2013 and the instant case was registered in the year 2015 i.e. after about 2 years. Thus, no opinion can be expressed, at this stage that the instant case is the result of any animosity or quarrel, which has taken place in the year 2000. Moreover, the investigation of the case is still in progress and the petitioner can put up his case before the investigating agency or the senior officers of the police but there is nothing at this stage to quash the FIR.

8. In the light of aforesaid discussion, this Court does not find any

merit in the instant petition. As such, the same is dismissed.

9. However, the petitioner shall take up all his pleas taken in this petition before the appropriate forum/court.

July 12, 2016
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(JASPAL SINGH)
JUDGE