

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

**Criminal Misc. No. M-27786 of 2016
Date of Decision:-08.11.2016**

Gurmeet Singh

...Petitioner

Versus

State of Punjab and others

...Respondents

CORAM:- HON'BLE MR. JUSTICE HARI PAL VERMA

Present:- Mr. Randeep Singh Rana, Advocate
for the petitioner.

Mr. Gurinderjit Singh, Deputy A.G., Punjab.

HARI PAL VERMA J.(Oral)

Prayer in this petition filed under Section 482 Cr.P.C. is for directing respondents No.1 to 3 to protect life, liberty and property of the petitioner as he has imminent danger at the hands of respondents No.4 to 8, who are the police officials.

Learned counsel for the petitioner states that the police officials are misusing their official power.

Learned State counsel has already filed the reply by way of affidavit of Shri Manjit Singh Brar, PPS, Superintendent of Police

(Investigation), District Rupnagar.

The reply suggests that earlier also the petitioner has filed similar petition bearing number CRM-M-35030 of 2015 titled 'Gurmeet Singh vs. State of Punjab and others', which was disposed of by this Court vide order 7.1.2016 and the following order was passed :-

“Learned counsel for the State on instructions from Inspector/SHO Dharampal, Police Station Singh Bhagwantpura, District Rupnagar submits that the petitioner is not required by the police of District Rupnagar except in a pending investigation regarding the application moved by the petitioner himself for further investigation in the case arising out of FIR No.66 dated 18.06.2014, for the offence punishable under Section 21 of Narcotic Drugs and Psychotropic Substances Act, 1985,(in short 'NDPS Act') registered at Police Station Singh Bhagwantpura, District Rupnagar.

After arguing for sometime, learned counsel for the petitioner prays for withdrawal of the present petition to take all the pleas raised in this petition before learned trial Court in the ongoing trial in a case arising out of FIR No.66 dated 18.06.2014, for the offence punishable under Section 21 of NDPS Act, registered at Singh Bhagwantpura, District Rupnagar in accordance with law.

Learned counsel for the State has no objection to the above prayer.

Ordered accordingly.”

Since FIR No.66 dated 18.6.2014, under Section 21 of the NDPS Act, 1985, was registered against the petitioner at Police Station Singh Bhagwantpura, District Rupnagar, accordingly, to ascertain the truthfulness of same, a special team was constituted comprising the then

Superintendent of Police (Investigation), District Rupnagar and Deputy Superintendent of Police (HQ), District Rupnagar, wherein the petitioner as well as the related police officials were associated and their statements were recorded.

Learned State counsel has stated that the allegation that respondents No.5 and 6 are threatening the petitioner, cannot be accepted for the reason that they were transferred long back and are not in the helm of affairs. Alongwith the reply, the S.I.T. (Special Investigation Team) has submitted a report regarding FIR No.66 dated 18.6.2014, under Section 21 of the NDPS Act, 1985, registered at Police Station Singh Bhagwantpura, District Rupnagar. The conclusion of the report reads as under :-

“The Special Investigation Team constituted case No.66 dated 18.06.2014 U/S 21-61-85 NDPS Act, P.S. Singh Bhagwantpur pertaining to CRM No.35030 of 2015 from Gurmeet Singh Versus Punjab Government, had summoned both the parties and had interrogated them, written their statements and had perused the file of case No.66 dated 18.06.2014 U/S 21-61-85 NDPS Act, P.S. Singh Bhagwantpur. On perusal it has been found that the writ which had been filed by the petitioner Gurmeet Singh in the Hon'ble Punjab & Haryana High Court, Chandigarh, in that connection the Police had filed reply on 06.01.2016 and on 07.01.2016 the counsel of the petitioner Gurmeet Singh had taken back the aforesaid writ and the Hon'ble Judge Sahib had ordered that they can follow up during the hearing of the aforesaid case. From the inquiry of the Special Investigation Team, the allegations levelled by the petitioner Gurmeet Singh against the police officials

does not stand proved. That Gurmeet Singh had sought security of his life and property. Gurmeet Singh R/O Village Bhauwal is resident of P.S. Shri Chamkaur Sahib, keeping in view whose security, it may be written to SHO, P.S. Shri Chamkaur Sahib.

The report is submitted.

Sd/- Tejinder Singh, DSP (Headquarter), Rup Nagar.

Sd/- Superintendent of Police (Headquarter), District Rup Nagar.

Sd/- Superintendent of Police (Investigation), District Rup Nagar.”

I have heard learned counsel for the parties.

There is no dispute that FIR No.66 dated 18.6.2014, under Section 21 of the NDPS Act, 1985, registered at Police Station Singh Bhagwantpura, District Rupnagar, is already pending against the petitioner, which is subject matter of trial before the Special Judge, Rup Nagar. No such material has been brought on record to substantiate the fact that the respondents are trying to plant a case against the petitioner. Therefore, the plea of the petitioner that he has imminent danger at the hands of respondents No.4 to 8, more particularly when respondents No.5 and 6 have already been transferred, cannot be accepted.

In view of the above, no further order is required to be passed in the present petition.

Disposed of.

However, considering the fact that the petitioner is a resident of Italy, the trial Court is directed to expedite the trial.

So far as the prayer of the petitioner that he apprehends danger

to his life and property, he is at liberty to approach the concerned SSP by making appropriate representation, who shall consider the same in accordance with law.

November 08, 2016
Vijay Asija

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned

Yes / No

Whether Reportable

Yes / No