

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

COCP No. 148 of 2016

Date of decision : 06.06.2017

Jasdeep Singh

....Petitioner

V/s

Parampal Singh Umranangal

....Respondent

BEFORE : HON'BLE MR. JUSTICE RAJAN GUPTA

Present: None for the petitioner.

Mr. V. Ramswaroop, Addl. A.G. Punjab.

RAJAN GUPTA J.

It appears that petitioner was implicated in a case under section 15 of the NDPS Act. He claims that he was innocent and was having a small cloth business in Ludhiana since 1977. He was a whistle blower and conducted a sting operation in 2003 revealing certain facts about fourteen police officials. He moved CWP No. 6102 of 2003 before this court for taking action against these police officials under Prevention of Corruption Act. Due to this reason, he was falsely implicated in FIR No. 10 dated 14.01.2012 under sections 15, 61 & 85 of the NDPS Act at police station Division No. 6, Ludhiana. He was ultimately acquitted by the Special court on 07.08.2015. He thereafter made a representation dated 09.09.2015 for taking action against the police officials who were responsible for implicating him in a false case. Same was disposed of by coordinate Bench (Sabina, J) on

28.10.2015 with the direction that representation of the petitioner be decided as per law. State counsel, thus sought some time to seek instructions. An affidavit of Paramjit Singh Umranangal, Commissioner of Police, Ludhiana was filed wherein he tendered unconditional apology for delay in disposing of the representation of petitioner. Vide order dated March 22, 2017, this court raised certain other queries. Resultantly on May 18, 2017, an affidavit of Suresh Arora, Director General of Police, Punjab was filed in court wherein it was stated that an inquiry had been ordered against the police officials responsible for delay in compliance of order dated 28.10.2015 passed by this court (Sabina, J). It was also stated in the affidavit that vide order No. 1499/PA dated April 03, 2017, a fresh inquiry had been initiated on the basis of representation received from the petitioner. Another affidavit dated 17.05.2017 of the Director General of Police, Punjab was filed wherein it was stated that recovery of 2.5 kgs of poppy husk was, in fact, effected from the petitioner and FIR No. 10 dated 14.01.2012 under section 15 of the Act was rightly registered against him. However, certain officials committed lapses during investigation. Thus, a regular departmental inquiry had been initiated against them. Show cause notice has been issued to those officials who delayed the decision of representation of the petitioner.

In the affidavit, information has also been furnished about the eight instances wherein accused were found to be innocent by the police after registration of case. In view of various affidavits filed before this court, it appears that grievance of the petitioner has been

redressed. It, however, appears that there have been instances of false implication of certain individuals by the police by invoking the provisions of the NDPS Act. In case FIR is registered against an innocent person, he has to undergo the resultant travails of investigation and trial. He is also likely to be taken into custody forthwith. This would seriously infringe his right under Article 21 of the Constitution of India. Thus, it needs to be examined whether a nodal agency can be constituted to supervise investigation pursuant to an FIR to ensure that no innocent citizen is involved in a false case under the NDPS Act. Matter may be examined by Director General of Police, Punjab.

Petition is disposed of. Rule is discharged.

June 06, 2017
Ajay

(RAJAN GUPTA)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No