

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

CRM No.M-11546 of 2017 (O&M)

Date of Decision: July 19, 2017

Surjeet Singh

...Petitioner

VERSUS

State of Haryana

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Anmol Rattan Sidhu, Senior Advocate with
Mr.Pratham Sethi, Advocate
for the petitioner.

INDERJIT SINGH, J.

The petitioner has filed this petition under Section 482 Cr.P.C. against respondent State of Haryana for quashing the FIR No.608 dated 10.12.2015 under Sections 21(c) of the NDPS Act, registered at Police Station City Tohana, District Fatehabad.

I have heard learned counsel for the petitioner and have gone through the record.

From the record, I find that, first of all, in this case charges have already been framed and the trial Court has taken cognizance and some of the witnesses have already been examined by the trial Court, which is also clear from the copy of the bail order placed on the record. As the charges have already been framed and charge-sheet has not been challenged by the present petitioner and the trial Court has already taken the cognizance; some of the witnesses have been recorded and trial is going on,

therefore, learned trial Court would decide on the basis of the evidence

whether the accused-petitioner is guilty or not. The mere fact that bail has been granted to the petitioner, is no ground for quashing the FIR. Secondly, as per FIR, Raman Kumar, Drug Control Officer, Fatehabad met with his team and after making joint team, raided the house of Surjeet Singh for possessing intoxicant medicines illegally. During raid, Raman Kumar, Drug Control Officer got recovered 65000 tablets of Microlit in 13 boxes, 5000 tablets of Microlit in another box, 7800 tablets of Minal 0.5 mg. and 23 injections of Fortwin.

Keeping of such a huge quantity at the residence itself shows the commission of offence. No document has been shown to this Court that petitioner was authorized to keep such a huge quantity of intoxicant tablets at his residence, even if it is taken that petitioner was holding a valid licence. For quashing the FIR, this Court is to see whether any offence is made out or not. If the huge quantity of intoxicant medicines is stored in the house and the same have been recovered from the petitioner, a case can be filed under the present Act in view of the law laid down in ***Inderjeet Singh @ Laddi and others vs. State of Punjab, 2014(3) RCR (Criminal) 953***. The fact whether the petitioner has been falsely implicated or not, is to be determined by the trial Court on the basis of the evidence. At this stage, in no way, it can be held that registration of the FIR in the present case, amounts to abuse of process of law.

Therefore, finding no merit in the present petition, the same is dismissed.

July 19, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No