

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

109

CRM-M-1278 of 2017 (O&M)

Date of Decision: May 09, 2017

Vikas Kaushal

....Petitioner

vs.

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present: Mr. Tarun Dhingra, Advocate
for the petitioner.

TEJINDER SINGH DHINDSA, J. (Oral)

The instant petition has been filed under Section 482 Cr.P.C. seeking issuance of directions for investigation in FIR No.184 dated 16.11.2016, under Section 21 of the NDPS Act, registered at Police Station Canal Colony, District Bathinda, to be transferred to an independent agency or by the police of any other District except Bathinda.

Pleadings on record would indicate that the FIR in question has been registered against the petitioner and the allegations are that he was apprehended while driving a car and recovery of certain intoxicant powder was effected.

Counsel appearing for the petitioner would vehemently contend that it is a case of false implication and at the relevant point of time, petitioner was not even present at the

spot but was rather present in Police Station Canal Colony, in relation to grant of bail to his friends namely Rohit Victor and Pardeep Happy. Further case made out is that the petitioner is being implicated at the instance of Rajinder Kumar, Incharge CIA Staff, Bathinda. In support of such assertion, it has been averred that the petitioner was a witness in a murder trial, in which accused were Devi Shran and Gurjit Singh and who were close friends of Rajinder Kumar, Incharge CIA Staff, Bathinda and the petitioner was being pressurized not to depose against accused Devi Shran and Gurjit Singh. Counsel submits that the afore-noticed two accused have since been convicted for offence under Section 302 IPC. It is contended that it is only on account of vengeance that the present FIR has been got registered against the petitioner and at the instance of Rajinder Kumar, Incharge CIA Staff, Bathinda.

Counsel for the petitioner has been heard at length.

The assertion raised by counsel as regards false implication, is not substantiated in terms of any material/document placed on record. Even the averments made in the petition are utterly vague. Merely by making an averment that certain accused who were facing trial and against whom the present petitioner had deposed are on friendly terms with one Rajinder Kumar, Incharge CIA Staff, Bathinda, would not be sufficient for this Court to reach a conclusion that the petitioner has been falsely implicated.

In the light of averments made in the instant petition, the prayer for transfer of investigation in FIR No.184 dated 16.11.2016, under Section 21 of the NDPS Act, registered at Police Station Canal Colony, District Bathinda, cannot be accepted.

Petition is dismissed.

(TEJINDER SINGH DHINDSA)
JUDGE

09.05.2017
anju rani

Whether speaking/reasoned : ***Yes/No***
Whether reportable : ***Yes/No***