

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

(i) CRM No.M-36855 of 2013 (O&M)

Gurdeep Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

(ii) CRM No.M-7657 of 2014 (O&M)

Gurdeep Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

Date of Decision: August 23, 2017

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.S.S.Siao, Advocate
for the petitioner.

Mr.Gaurav Garg Dhuriwala, Sr.DAG, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Both the above-mentioned cases are taken up together as the point for determination in both the case is the same.

Petitioner has filed these petitions under Section 482 Cr.P.C. for expunction of adverse remarks in the judgments of conviction and order of sentences and quashing of show cause notices dated 05.11.2009 under Section 58 of the NDPS Act, made and given by Learned Judge, Special Court, Bathinda, in case titled as Kewal Krishan and others; FIR No.8 dated

Singh and others; FIR No.7 dated 16.01.2002 under Section 15 of the NDPS Act, both registered at Police Station Phul.

Notice of motion was issued. Learned State counsel appeared and contested the petitions.

I have heard learned counsel for the petitioners as well as learned State counsel and have gone through the record.

From the record, I find that while passing the order of sentences dated 14.07.2005, it is held by learned Judge, Special Court, Bathinda that Jagdish Singh @ Bhola has been unnecessarily and vexatiously proceeded against and as such, action against SI Gurdeep Singh and DSP Jagjit Singh Gill needs to be taken under Section 58 of the NDPS Act and separate proceedings in that respect be initiated and file be prepared separately.

The petitioner earlier filed petition for expunging/setting aside the adverse remarks in the orders dated 14.07.2005 rendered in the judgment dated 13.07.2005 passed by learned Judge, Special Court, Bathinda and in that petition, after arguing for some time, learned counsel for the petitioner stated that he may be permitted to withdraw the petition with liberty to challenge the notice of the proceedings initiated against him under Section 58 of the NDPS Act in an appropriate proceedings and that petition was dismissed as withdrawn with the above-said liberty vide order dated 19.10.2006. Again, Gurdeep Singh filed another petition for setting aside the order dated 14.07.2007 rendered in judgment dated 13.07.2005 and that petition was also got dismissed as withdrawn vide order dated 21.05.2007.

As per the record, the legal notice was issued on 05.11.2009 by

petition in the year 2007, now has filed these petitions in 2013 and 2014 asking for the relief of expunction of adverse remarks made in the order dated 14.07.2005 and further for quashing the notice dated 05.11.2009 given under Section 58 of the NDPS Act.

These petitions have been filed after a long delay of more than 6-7 years. The Hon'ble Supreme Court in *State of Gujarat and another vs. Shree Ratnakar Enterprise, 2016 (13) SCC 186*, held that writ petition filed against the order after five years was dismissed on the ground of delay and laches by Single Judge. It is further held that Single Judge was justified in dismissing the writ petition on the ground of delay and Division Bench erred in interfering and directing allotment from any other land. In *M.P.State Mining Corporation Ltd. vs. Sanjeev Bhaskar and Ors., 2013 (12) SCC 326*, it is held that High Court dismissed the writ petition on the ground of delay and laches. High Court has also noted that Full Bench of the said Court, in a bunch of writ petitions had dismissed all those petitions which were filed belatedly on the ground of inordinate delay and laches.

Keeping in view the above facts, I find that the petitions filed by the petitioner have already been got dismissed as withdrawn etc. from this Court in the year 2006 and 2007 and now after 6-7 years, the present petitions have been filed, which are liable to be dismissed on the ground of delay and laches.

Therefore, finding no merit in both the petitions, the same are dismissed.

August 23, 2017
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No