

IN THE HIGH COURT OF PUNJAB AND HARAYANA AT CHANDIGARH

114

**CRM-7966-2018 &
CRM-M-40292-2016**

Date of decision: 07.03.2018

Hardeep Singbh alias Deepa

...PETITIONER

VS.

The State of Punjab and others

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

Present: Mr. Pankaj Maini, Advocate,
for the applicant-petitioner.

Mr. Dhruv Dayal, Sr. Deputy Advocate General, Punjab,
for the State.

AUGUSTINE GEORGE MASIH, J.

CRM-7966-2018

Prayer in this application is for preponement of the hearing of the case, which is listed on 18.07.2018.

As per the request made by the counsel for the applicant-petitioner, the present application is allowed. The hearing of the main case is preponed to today and the same is taken on Board.

CRM-M-40292-2016

Petitioner had approached this Court for quashing of FIR No. 77 dated 14.10.2015 registered under Sections 15/61/85 of NDPS Act against the petitioner.

It is the contention of the learned counsel for the petitioner that no offence is made out against the petitioner. He states that the allegation

against the petitioner is regarding involvement of the petitioner for selling of poppy husk and recovery can be effected from the cattle shed of the petitioner, as per the secret information. He states that this information does not disclose commission of an offence and, therefore, the FIR could not have been registered. He, thus, contends that the present petition be allowed.

Counsel for the State has informed the Court that not only the challan has been presented but the charges have also been framed against the petitioner and the trial is in progress.

In the light of the above, when the trial Court is already seized of the matter and not only a challan has been presented but the charges have also been framed and the trial is in progress, it cannot be said that no offence is made out against the petitioner for now.

No case for quashing of the FIR is found and, therefore, the present petition stands dismissed.

It is, however, observed that all pleas, which have been taken in the present petition, may be taken by the petitioner before the trial Court at the appropriate stage, if so advised.

March 07, 2018

pj

**(AUGUSTINE GEORGE MASIH)
JUDGE**

Whether speaking/reasoned: Yes/No
Whether Reportable : Yes/No