

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

CRM-M-43466 of 2018.

Decided on:-October 01, 2018.

Lakhbir Singh alias Lakha.

.....Petitioner.

Versus

State of Punjab and others

.....Respondents.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Mayur Karkra, Advocate
for the petitioner.

HARI PAL VERMA, J. (Oral)

The petitioner has filed the present petition under Section 482 Cr.P.C. for issuance of appropriate directions to respondents No.1 to 4 to re-investigate the matter in FIR No.256 dated 29.11.2014 under Sections 18 and 25 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, the NDPS Act) registered at Police Station City Rajpura, District Patiala.

Prayer has also been made for quashing of the order dated 02.08.2018 passed by learned Additional Sessions Judge, Patiala, whereby the application under Section 173(8) Cr.P.C. for re-investigation/further investigation of the case moved by Inspector Harminder Singh, OCCU, Intelligence Crime Wing, Amritsar, was dismissed.

The petitioner along with three other co-accused is facing trial before learned Special Court in the aforesaid F.I.R. The petitioner moved an application dated 03.05.2018 (Annexure P-3) to the Director General of Police, Punjab seeking investigation in the aforesaid F.I.R. by claiming that he has falsely been implicated in the aforesaid case. The said application was ultimately marked to Inspector Harmeet Singh, who moved the application (Annexure P-4) dated 05.07.2018 under Section 173(8) Cr.P.C. seeking re-investigation/further investigation before the trial Court.

Vide impugned order dated 02.08.2018, learned trial Court has dismissed the said application.

Feeling aggrieved, petitioner-accused Lakhbir Singh alias Lakha has filed the present petition.

Learned counsel for the petitioner has argued that the petitioner has falsely been implicated in the present case and unless a proper investigation is done in the case, the truth would never come out before the Court. The application moved by the petitioner before the Director General of Police, Punjab was marked to respondent No.3, on whose instance, the application (Annexure P-4) was moved before the trial Court, but vide impugned order dated 02.08.2018 (Annexure P-5), learned trial Court has dismissed the said application.

I have heard learned counsel for the petitioner.

The impugned order dated 02.08.2018 passed by learned trial Court reveals that the trial in the case is at the stage of recording prosecution witnesses. One witness SP Rajinder Singh Sohal has been cross-examined and another witness Baltej Singh, retired Inspector has been examined.

Thus, when the police has already submitted its report under Section 173 Cr.P.C. and trial in the case is at the stage of recording prosecution evidence, this Court is of the considered opinion that the plea of the petitioner regarding his false implication can be adjudicated very well during the trial before the trial Court and no interference is warranted by this Court by invoking its jurisdiction under Section 482 Cr.P.C.

Accordingly, the present petition, being devoid of any merit, is dismissed.

October 01, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No