

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

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CRM No.M-43116 of 2017
Date of decision:25.1.2018

Devender Narwal

... Petitioner

versus

Union of India and others

... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.B.S.Jatana, Advocate,
for the petitioner
Mr.Aditya Sanghi, Advocate,
for Union of India
Mr.D.D.Sharma, Special Public Prosecutor,
for respondents no.2 and 3.

...

AMOL RATTAN SINGH, J. (Oral)

Mr.Sharma, learned Special Public Prosecutor for the Narcotics Control Bureau, has submitted that initially of course it was a secret information that was received, to the effect that the petitioner in his own vehicle would be receiving a large quantity of opium coming from Madhya Pradesh in a truck bearing registration no.RJ-13-CB-0504, of grey colour.

Thereafter, the truck driver was arrested, with his statement recorded, in which he disclosed the petitioners' name and to verify the disclosure statement, the CCTV footage of the society in which the petitioner is residing was examined by the investigating agency in which, it is contended that the petitioner was seen conversing with the aforesaid truck driver. The driver, it is further stated, had been arrested upon being pursued by one part of the raiding party and the petitioner having been actually

apprehended in the housing society, but had thereafter escaped on the pretext of going to the washroom.

Mr. Sharma submits that he escaped by jumping the wall of the society, as has been recorded in the CCTV camera.

Learned counsel for the petitioner on the other hand submits that nothing having been recovered from the petitioner, the entire story is cooked up and in fact he was asked for illegal gratification by an officer of the respondent Narcotics Control Bureau.

Having considered the aforesaid arguments, the respondents having made out a prima facie case against the petitioner, in view of Section 67 of the NDPS Act, 1985, I do not find it an appropriate case where the interim order dated 11.12.2017 should be continued, or this petition entertained at this stage.

Consequently, this petition is dismissed and the interim order dated 11.12.2017 is vacated.

The prayer of the petitioner for giving him one weeks' notice prior to arrest is declined for the reason already given hereinabove, as also in view of the judgment relied upon by Mr.Sharma in 2008(4) RCR (Criminal) 665, Union of India vs. Padam Narain Aggarwal etc.

25.1.2018
pk/dinesh

(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes/No
Yes/No