

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

CRM No. M-7268 of 2017 (O&M)

Date of Decision: 01.05.2018

Kulwinder Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM:- HON'BLE MR. JUSTICE TEJINDER SINGH DHINDSA

Present:- Mr. Navkiran Singh, Advocate,
for the petitioner.

Ms. Jaspreet Kaur, AAG, Punjab.

TEJINDER SINGH DHINDSA, J.

Instant petition has been filed under Section 482 Cr.P.C. seeking directions for entrustment investigation in case FIR No. 26 dated 21.02.2017, under Section 18 of NDPS Act, registered at Police Station Division No.7, Jalandhar to the Central Bureau of Investigation.

Briefly it may be noticed that prosecution version is that based on secret information, a 'Naka' was laid and a white colour 'Endeavour SUV' bearing registration No.PB-12-Y-1433 was intercepted. Present petitioner is alleged to have run away from the spot after alighting from the vehicle. An alleged recovery of 03 Kgs 100 grams of opium is stated to have been effected from the vehicle.

Counsel for the petitioner alleges false implication. It is contended that the petitioner does not have any faith in Punjab

Police. The following assertions have been raised in the petition in support of the contention that the petitioner is being falsely implicated and to support the prayer for entrustment of investigation to an impartial agency like the Central Bureau of Investigation.

- i) Annexure P-4 is a copy of the toll plaza receipt of the petitioner and his vehicle a swift car No. PB-08-C-9003 and this toll receipt can be verified from the said toll barrier which is operated by National Highway Authority of India and is pertinent to note that the Highway Authority of India maintains a record in the shape of CCTV footages to show that the petitioner crossed the Ladowal Toll Plaza 23:52 hours on 20.02.2017.
- ii) Annexure P-5 is the affidavit dated 25.02.2017 of Jaspal Singh Lambardar, residence of Village Ajrawar, Tehsil Rajpura, District Patiala who is a relative of the petitioner who has corroborated the presence of the petitioner at village Ajrawar at 2 AM of 21.02.2017 till 25.02.2017.
- iii) Annexure P-6 is affidavit dated 26.02.2017 of Sh. Madan Lal who is resident of Ward No.3, Ghanaur, Tehsil Rajpura, District Patiala who is a friend of Jaspal Singh Lambardar who also met the petitioner around 11 AM of 21.02.2017.
- iv) Annexure P-7 is the crucial evidence which is the photograph made out of the CCTV footage of a camera which was installed outside the shop of Arora Fruit Juice, at Jyoti Chowk which shows that the Ford Endeavour No. PB-12-Y-

1433 of the petitioner being towed away at 11:20 AM of 21.02.2017.

- v) Annexure P-8 original record of the CCTV camera is also contained in a CD from which the said photograph has been developed which clearly shows the said Ford Endeavour vehicle being accompanied by the police official of the CIA Staff Jalandhar.
- vi) Annexure P-9 are the parking slips of the car parking dated 17.02.2017, 18.02.2017 and 19.02.2017 paid till 25.02.2017 of the Ford Endeavour vehicle of the petitioner which was towed away by the police of CIA Staff on 21.02.2017 at 11:20 A.M.
- vii) Annexure P-10 is affidavit of Gurjit Singh son of Pritam Singh who was on duty at the Red Cross market and is working with the contractor Shri Munish and in whose presence the said vehicle was taken away by the police between 10:30 and 11AM of 21.02.2017.
- viii) Annexure P-11 is affidavit of Vinay Kumar son of Desh Raj who was on duty at the Red Cross market and is working with the contractor Shri Munish and in whose presence the said vehicle was taken away by the police between 10.30 and 11 AM of 21.02.2017.
- ix) Annexure P-12 is of the members of Red Cross Market Organization which also witnesses the taking away of the vehicle of the petitioner from the Red Cross Market car parking on 21.02.2017 between 10:30 and 11 AM.

Notice of motion had been issued in the petition.

State counsel has submitted that against the allegations of false implication, the Commissioner of Police, Jalandhar constituted a Special Investigation Team under the supervision of ADCP (Investigation), Jalandhar and comprising of the Assistant Commissioner of Police, Model Town, Jalandhar and SHO Police Station Division No.7, Jalandhar vide office order dated 21.11.2017. The report of the Special Investigation Team dated 02.12.2017 was made available by State counsel and has been perused in Court during the course of hearing.

The Special Investigation Team has examined the aspect/assertion of false implication and as has been reproduced hereinabove.

Conclusion drawn by the Special Investigating Team is that the petitioner is setting up false/forged documents and evidence.

This Court would desist from making any observations as regards the findings of the Special Investigation Team lest it may influence the case on merits. No ground has been made out in the petition as regards the members of the SIT being inimical towards the petitioner.

Court has also been apprised that investigation having concluded, the challan already stands presented.

This Court finds the credentials of the petitioner himself to be suspect. Apart from the FIR in question i.e. FIR No.26 dated 21.02.2017 the petitioner is stated to be involved in 03 other

criminal proceedings i.e. FIR No.184 dated 24.07.2003 under Sections 452/34/506 IPC, registered at Police Station Division No.4, Jalandhar, FIR No.127 dated 02.06.2015 under Section 18 of NDPS Act, registered at Police Station Division No.8, Jalandhar and FIR No.203 dated 09.09.2018 under Section 452-A of NDPS Act, registered at Police Station Kotwali, Kapurthala.

For the reasons recorded above, this Court is not inclined to accept the prayer made in the petition.

Petition is dismissed.

01.05.2018
vandana

(TEJINDER SINGH DHINDSA)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No