

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

(i) CRR No.4372 of 2017 (O&M)

Asha Rani
...Petitioner

VERSUS

State of Punjab
...Respondent

(ii) CRR No.4706 of 2017 (O&M)

Jagjit Singh
...Petitioner

VERSUS

State of Punjab
...Respondent

(iii) CRR No.542 of 2018 (O&M)

Maninder Singh
...Petitioner

VERSUS

State of Punjab
...Respondent

Date of Decision: August 14, 2018

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Ankur Bansal, Advocate
for the petitioners (in CRRs No.4372 and 4706 of 2017).

Mr.Ashok Giri, Advocate
for the petitioner (in CRR No.542 of 2018).

Mr.Karanbir Singh, AAG, Punjab
for the respondent-State.

INDERJIT SINGH, J.

This order shall dispose of above-mentioned three connected revisions as the point for determination in all the cases is the same.

The above-mentioned revision petitions have been filed by petitioners Asha Rani, Jagjit Singh and Maninder Singh challenging the impugned order dated 23.10.2017 vide which the petitioners were charge-sheeted under Section 22 of the NDPS Act.

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 challan has been presented against Asha Rani, Rajinder Kumar @ Ashu, Maninder Singh and Jagjit Singh and they have been charge-sheeted under Sections 120-B, 409 IPC and Sections 22 and 29 of the NDPS Act. As per prosecution version, Asha Rani was posted as Staff Nurse at Drug De-Addiction Centre, Nakodar, which was set up by Civil Hospital, Nakodar, where drug addicts were given medicines for drug de-addiction. Medicine Buprenorphine is kept by Staff Nurse Asha Rani and she is also keeping stock register of the same. As per prosecution version, Asha Rani in connivance with worker and councillor of the hospital Maninder Singh, Computer Data Operator Jagjit Singh, by getting medicine Buprenorphine from the stock and by tampering the stock register, was selling the same to Rajinder Kumar @ Ashu, who used to sell the said medicines in Nakodar City and in the villages around the same, to drug addicts.

As per further case of the prosecution, from Maninder Singh 300 tablets containing salt Buprenorphine and from Jagjit Singh also, 300 tablets were recovered and 400 tablets were recovered from Rajinder Kumar @ Ashu.

Keeping in view these allegations and the evidence collected during the investigation, no ground is made out for setting aside the charge-sheet. At the time of framing of charge, the Court is not to weigh the evidence for the purpose of conviction. The Court, at this stage, is only to see whether from the documents and statements, relied upon by the prosecution in the report under Section 173 Cr.P.C., *prima facie* case is made out or not. Even a strong suspicion is sufficient to frame the charge against the accused person. In the present case, recoveries have been effected from Maninder Singh and Jagjit Singh and allegations are that tablets containing Buprenorphine, which are being used in Drug De-Addiction Centre and were in possession of Asha Rani, have been misused and stock register was also tampered accordingly. Nothing has been pointed out as to how the petitioners are entitled to discharge in this case.

Learned counsel for the petitioner argued that they should be charged under Section 21 instead of Section 22 of the NDPS Act. In the revision petition, this Court is to see whether any charge is made out or not from the report under Section 173 Cr.P.C. The trial Court has power to amend the charge at any stage when the evidence will be produced. Even, the trial Court, at the time of final disposal of the case, can convict the accused for lesser offence.

In view of the above discussion, I find that the impugned order

correct, as per evidence and law and does not require any interference from this Court.

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

August 14, 2018	(INDERJIT SINGH)
Vgulati	JUDGE
Whether speaking/reasoned	Yes
Whether reportable	No