

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

**CRR-939-2017 (O&M)
Date of Decision: 5.12.2018**

Gabbar Singh

.....PETITIONER(s).

VERSUS

State of Haryana

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE RAJ SHEKHAR ATTRI

Present: Ms. Loveleen Dhaliwal, Advocate
for the petitioner.

Mr. Ashok Muthreja, DAG, Haryana.

RAJ SHEKHAR ATTRI, J.(Oral)

Through this revision petition, the petitioner has challenged charge sheet dated 15.2.2017 under Section 29 of Narcotic Drugs & Psychotropic Substance Act in FIR No.319 dated 12.6.2016 registered at Police Station Samalkha, District Panipat.

Briefly stated, it is the case of the prosecution that on 12.6.2016, a police party while patrolling in the area noticed that a person was sitting on a green coloured plastic bag, who on seeing the police party started walking briskly, which arouse suspicion in the mind of the investigating officer. He was apprehended and disclosed his name as Vikas. Search of the bag led to recovery of poppy husk. However, while in police custody, Vikas suffered a disclosure statement that he had

bought 60 kilogram of poppy husk from the petitioner ten days prior to the recovery. The relevant part of the disclosure statement is reproduced hereunder : -

“10 days ago, from today, 60 kg poppy husk at the rate of Rs.800 per kg was bought from Gabbar @ Kala son of Isham Singh caste Rajput resident of Singhana, PS Safidon, District Jind out of which I had sold 8 Kg of poppy husk at the rate of Rs.1600/- per kg to truck drivers. The remaining 52 kg poppy husk has been got recovered from me by you. I know above mentioned Gabbar @ Kala son of Isham's residence village Singhana. Can take you and get him arrested.

[Extract supplied]”

On his identification, the petitioner was arrested. After arrest of the petitioner, final police report was submitted. The petitioner was charged under Section 29 of NDPS Act.

I have heard learned counsel for the parties and gone through the record.

It is settled proposition of law that the charge can be framed even on the basis of strong suspicion. At the time of framing of the charge, even if there is strong suspicion against the accused, the Court on its own can apply judicious mind to the facts of the case to find out from the evidence produced whether any *prima facie* case has been made out, if so, charge has to be framed otherwise accused shall be discharged.

In the instant case, co-accused has identified the accused and disclosed that he purchased the poppy husk from the petitioner. Probative value of the statement shall be considered at the appropriate stage.

No ground is made out for quashing the impugned charge sheet.

Dismissed.

December 5, 2018
Paritosh Kumar

(RAJ SHEKHAR ATTRI)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes/No</i>
<i>Whether Reportable:</i>	<i>Yes/No</i>