

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

CRA-D-159-DB-2015 (O&M)
Reserved on : August 20, 2019
Date of Decision: November 27, 2019

Hardip Singh ...Appellant

Versus

State of Punjab ...Respondent

AND

CRA-D-219-DB-2015 (O&M)

Surinder Kumar Uppal ...Appellant

Versus

State of Punjab ...Respondent

**CORAM: HON'BLE MR. JUSTICE RAJIV SHARMA,
HON'BLE MR. JUSTICE HARINDER SINGH SIDHU**

Present: Mr. Vipul Jindal, Advocate for the appellants.

Mr. Gaurav Garg Dhuriwala, Sr.DAG, Punjab.

HARINDER SINGH SIDHU, J.

1. Since common questions of law and facts are involved in the aforesaid appeals these are taken up together and disposed of by a common judgment.

2. Criminal Appeal No.D-159-DB of 2015 has been filed by Hardip Singh and Criminal Appeal No.D-219-DB of 2015 has been filed by Surinder Kumar Uppal against their conviction and sentence vide judgment and order dated 27.11.2014 rendered by the Judge, Special Court, Amritsar

in case FIR No.277 dated 20.12.2009 under Sections 22 and 29 of the

Narcotic Drugs and Psychotropic Substances Act, 1985 (in short 'NDPS Act'). The appellants along with one Ranjit were charged with and tried for the said offences. The appellants have been convicted under Section 22 of the NDPS Act and sentenced to undergo rigorous imprisonment for a period of twelve years and to pay fine of Rs.1,00,000/-, each and in default to further undergo imprisonment for a period of one year. Ranjit Singh was acquitted of the charges.

3. The case of the prosecution in a nutshell is that on 20.12.2009 SI Rajbir Singh Incharge CIA staff Amritsar Rural along with other police officials had laid a picket at the turn of Tarn Taran Bye Pass, G.T. Road, Jandiala. At about 1.30 PM one truck PB-02-D-9723 came from Amritsar side. On being signalled to stop the driver stopped his truck and came down. He disclosed his name as Ranjit Singh. In the mean time, one clean shaved person and one turbaned person having cardboard boxes on their heads got down from the back of the truck and tried to run away. The police went after them. The turbaned person was apprehended but the clean shaved person (Surinder Kumar Uppal s/o Chaman Lal) who was earlier known to SI Rajbir Singh threw the cardboard box on the ground and managed to escape through the fields. The arrested person disclosed his name as Hardip Singh son of Mustan Singh r/o Butala. He also revealed that the person who had run away from the spot was Surinder Kumar Uppal r/o Khalchian. SI Rajbir Singh introduced himself to the truck driver Ranjit Singh and Hardip Singh. He apprised them of their legal right to be searched in the presence of a Gazetted Officer or Magistrate. Ranjit Singh reposed confidence in him and agreed to get himself searched from him. Consent memo Ex.P2 in this

searched before Gazetted Officer . The non consent memo Ex.P1 of accused Hardip Singh was prepared. Amrik Singh Pawar, DSP, Baba Bakala was called. The personal search of accused Ranjit Singh was conducted by SI Rajbir Singh in the presence of other police officials. One mobile phone make 1650 Nokia was recovered from the right pocket of his trousers and one purse which contained his driving license and currency notes of Rs.50/- was recovered from the back side pocket of his trouser. The personal search memo Ex.P3 was prepared. From the search of cabin of the truck one permit part B was recovered. The truck along with permit was taken into possession vide seizure memo Ex.P4. At about 2.05 PM Amrik Singh Pawar, DSP Baba Bakala reached the spot. He disclosed his identity to accused Hardip Singh. He apprised Hardip Singh of his legal right to get himself searched from some Magistrate or from some other Gazetted Officer. Accused Hardip Singh reposed confidence in him. His consent memo Ex.P5. On search of the cardboard box in the possession of Hardip Singh, intoxicant capsules and tablets wrapped in different poly bags namely 1800 capsules of Parmodex, 400 capsules of Parvon Spas, 720 capsules of Spasmo Proxyvon, 1000 tablets of Dexovon, 14000 tablets of Microlit and 1000 tablets of Nitrazepam were recovered. From them 10/10 capsules/tablets each were taken out as sample. They were converted into 2/2 sample parcels. All these twelve parcels and remaining six bulk parcels were sealed by SI Rajbir Singh & DSP Amrik Singh Powar with their seal impression RS and AS. Relevant portion of Form M-29 was filled. SI Rajbir Singh handed over the seal after use to SI Surinder Mohan. The DSP kept his seal with him.

Surinder Kumar Uppal, 7000 capsules of Dexvon, 1400 Capsules of Spasmo Proxyvon, 3200 capsules of Parvon Spas, 1220 capsules of Proxyvon, 20000 tablets of Microlit, 10000 tablets of Piotil, 1000 tablets of Sudhimol and 1250 tablets of Nitrazepam were recovered. Two samples of 10/10 capsules and tablets of each type were taken out. All the sixteen samples and eight bulk parcels were sealed by SI Rajbir Singh and DSP Amrik Singh Powar with their seal impression RS and AS. Form M-29 was prepared. The sample seal was handed over to SI Surinder Mohan. The sample parcels, bulk parcels, sample seal impression & Form M-29 were taken into possession vide separate recovery memos in the presence of witnesses. Ruqa was sent to the police station for registration of case on the basis of which formal FIR Ex.PA/1 was recorded. Rough site plan of the place of recovery was prepared. Statement of witnesses under Section 161 Cr.P.C. were recorded. On coming back to the police station the sample parcels, bulk parcels along with sample seal and Form M-29 were handed over to SHO Arun Sharma who after checking the same sealed them with his seal AS and kept the same in the Malkhana. The sample parcels and bulk parcels along with sample seals were produced before the Ld. Ilaqa Magistrate. As per his order the bulk parcels and 14 sample parcels were deposited in the judicial malkhana. 14 sample parcels were sent for FSL examination through HC Sukhjit Singh. On receipt of report of the chemical examiner and completion of investigation the challan was filed.

5. The prosecution examined number of witnesses in its support. The statement of the accused under Section 313 Cr.P.C. was recorded. They denied the allegations levelled against them and pleaded innocence. In

defence, they examined HC Parminder Singh as DW1.

6. The appellants were convicted and sentenced as referred to above. Hence, these appeals.

7. We have heard learned counsel for the parties and have gone through the judgment and record.

8. PW1 ASI Sukhjit Singh tendered his affidavit Ex.PW1/A deposing that on 20.12.2009 he was posted in Police Station Jandiala Guru as Head Constable on general duty. On 31.12.2009 Arun Kumar SHO, PS Jandiala Guru unlocked the double lock of Malkhana and took out case property viz. 14 sample parcels i.e. 14 plastic box parcels of intoxicating capsules and tablets sealed with seal 'RS' 'AS' 'AS' along with Form M-29 and sample seals 'RS' 'AS' 'AS', issued docket and handed over to him to get the same deposited in the office of Forensic Science Laboratory, Chandigarh. He deposited the same at FSL and on return handed over the receipt to the SHO.

9. PW2 Inspector Rajbir Singh stated that on 20.12.2009, he was posted as SI Incharge at CIA Staff, Rural and on that day he along with other police officials were on Government vehicle being driven by HC Balwant Singh. Picket was laid at turn Tarn Taran Bye Pass, G.T. Road, Jandiala. At about 1.30 PM from the side of Amritsar one truck PB-02-D-9723 was signalled to stop. The truck driver stopped his truck and came down. He disclosed his name as Ranjit Singh. In the meantime from the backside of the truck one clean shaven person and one turband person having cardboard boxes on their head tried to ran away in backward direction. He along with other police officials followed them. The turbaned person was apprehended.

The clean shaved person was earlier known to him and his name was

his head and managed to escape through the fields. The turbaned person disclosed his name as Hardip Singh son of Mustan Singh r/o Butala. He disclosed the name of person who ran away from the spot as Surinder Kumar Uppal r/o Khalchian. SI Rajbir Singh disclosed his identity to truck driver Ranjit Singh and Hardip Singh and stated that he is suspicious that the accused had some Narcotic Substance in their possession for which their search was to be conducted. He apprised them of their legal right to be searched in the presence of Gazetted Officer or Magistrate. Accused Ranjit Singh reposed confidence in him. Hardip Singh wanted himself to be searched before Gazetted Officer. The non- consent memo Ex P-1 of Hardip Singh was prepared which was signed by the accused and attested by SI Surinder Mohan and HC Jaswant Singh as witnesses. Shri Amrik Singh Pawar, DSP, Baba Bakala was requested to reach at the spot. Independent witness was tried to be joined in the investigation but in vain. The consent memo of accused Ranjit Singh Ex.P2 was prepared. The personal search of accused Ranjit Singh was conducted. From the right pocket of his pant one mobile phone make 1650 Nokia and from the back pocket of his pant, one purse was recovered which contained his driving license and currency notes of Rs.50/-. Personal search memo of accused Ranjit Singh Ex.P3 was prepared. On search of cabin of the truck, one permit part B was recovered. The truck along with permit was taken into possession vide seizure memo Ex.P4. At about 2.05 PM Amrik Singh Pawar, DSP Baba Bakala reached at the spot. He disclosed his identity to accused Hardeep Singh. He apprised the accused of his legal right to get himself searched from some Magistrate or from some other Gazetted Officer. Accused Hardip Singh reposed confidence in him and his consent memo Ex.P5 was prepared which was

signed by the accused. It was attested by him (SI Rajbir Singh) and SI Surinder Mohan as witnesses. On search of the cardboard box in the possession of the accused intoxicant capsules and tablets wrapped in different poly bags were recovered. 1800 capsules of Parmodex, 400 capsules of Parvon Spas, 720 capsules of Spasmo Proxyvon, 1000 tablets of Dexovon, 16000 tablets of Microlit and 1000 tablets of Nitrazepam were recovered. From them 10/10 capsules/tablets each were taken out as sample. They were converted into 2/2 sample parcels. All these twelve parcels and remaining six bulk parcels were sealed by SI Rajbir Singh & DSP Amrik Singh Powar with their seal impression RS and AS. Relevant portion of Form M-29 was filled. SI Rajbir Singh handed over the seal after use to SI Surinder Mohan. The DSP kept his seal with him. Accused failed to produce any bill, permit or licence. Hence, same were taken into possession vide recovery memo Ex.P6.

10. On search of the cardboard box which was thrown by accused Surinder Kumar Uppal, 7000 capsules of Spasmo Proxyvon, 3200 capsules of Parvon Spas, 1220 capsules of Proxyvon, 20000 tablets of Microlit, 10000 tablets of Pitol, 1000 tablets of Sudhimol and 1250 tablets of Nitrazepam were recovered. Two samples of 10/10 capsules and tablets of each type were taken out. All the sixteen samples and eight bulk parcels were sealed by SI Rajbir Singh and DSP Amrik Singh Powar with their seal impression RS and AS. Form M-29 was prepared. The sample seal was handed over to SI Surinder Mohan. The sample parcels, bulk parcels, sample seal impression & Form M-29 were taken into possession vide separate recovery memo in the presence of witnesses. During the personal search of

recovered and his personal search memo is Ex.P8. All the above said memos were attested by SI Surinder Mohan and HC Jaswant Singh as witnesses. Both the accused were arrested in the present case vide separate arrest memo Ex.P9 and Ex.P10 and intimation regarding the arrest of the accused was given to them and their legal heirs and their intimation memos are Ex.P11 and Ex.P12. All the memos were attested by SI Surinder Mohan and HC Jaswant Singh as witnesses and signed by accused and their legal heirs respectively. Ruqa Ex.PA was sent to police station through HC Saroop Singh and formal FIR Ex.PA/1 was registered. Rough site plan Ex.P13 was prepared. He along with other police officials, both the accused, with the case property, sample seal and Form M-29 reached the police station and produced the same before SHO Arun Sharma. The latter after checking the intactness of the seals affixed his seal AS on all the parcels and on Form M-29. SHO kept all the parcels along with sample seals and Form M-29 in his safe custody in double lock of malkhana after taking another key from concerned MHC. Memo of handing is Ex.P14 which was signed by the SHO and attested by SI Surinder Mohan and Hc Jaswant Singh as witnesses. The next day i.e. 21.12.2009 all the bulk parcels and sample parcels were handed over to him along with sample seal and Form M-29 by SHO Arun Sharma for authentication from the concerned Illaqa Magistrate along with the application Ex.P15. The order of the Ld. Illaqa Magistrate is Ex.P16. On return to the police station again all the parcels along with Form M-29 and sample seals were handed over to SHO Arun Sharma who kept the same in double lock of Malkhana.

11. In cross examination he stated that he had not received any

secret information. The naka was held in connection with routine checking

of vehicles. He along with 7-8 persons were present in the police party. He stated that he knew Surinder Kumar Uppal one of the accused who was a resident of village Khilchian. He stated that he knew Surinder Kumar Khilchain four-five months prior to this case. He had never visited the shop or the house of Surinder Kumar Uppal at Khilchian. He stated that he knew Surinder Kumar Uppal when he received some reports from CIA staff. He admitted that Surinder Kumar Uppal was not arrested at the spot nor was he arrested during investigation. He stated that he did not record any confessional statement of Ranjit Singh or Hardip Singh that Surinder Kumar Uppal had fled away from the spot. He also stated that he did not get identification parade of Surinder Kumar Uppal conducted. He admitted that no public witness was joined at the time of recovery though the place of recovery is a thoroughfare. No seizure memo was prepared by him at the spot. No information was sent by him in writing to the higher police officials regarding search and seizure. He asserted that CFSL form was duly prepared by him at the spot. He had not got recorded in the handing over memo that Form M-29 was given to the SHO along with the case property.

12. PW3 Inspector Surinder Mohan stated that on 20.12.2009, Inspector Rajbir Singh was posted as SI Incharge at CIA Staff, Rural. On that day he along with other police officials under his supervision were on government vehicle being driven by HC Balwant Singh. He deposed on same lines as PW 2 SI Rajbir Singh regarding the picketing, the search and recovery of the contraband, preparation of the recovery memos and deposit of the case property with the SHO.

13. In cross examination he stated that the IO had not received any

secret information. He admitted that accused Surinder Kumar Uppal was

not arrested at the spot by the IO in his presence. He stated that before the present case he did not know Surinder Kumar Uppal personally. He had seen Surinder Kumar Uppal in Court during the trial and before that he had never seen him. No confessional statement was got recorded by IO that the alleged drug recovered belonged to Surinder Kumar Uppal. He stated that Form M-29 had been prepared by the IO in his presence. He had attested the recovery memo after going through its contents. He stated that the IO handed over the Form M-29 to the SHO along with the case property.

14. PW4 Inspector Arun Sharma stated that on 20.12.2009, he was posted in police station Jandiala. On that day SI Rajbir Singh produced fourteen bulk parcels and fourteen sample parcels of intoxicant medicine along with the accused with Form M-29 and sample seal duly sealed with seal of RS and AS. After verifying that the seals of parcels were intact he sealed the aforesaid parcels with his impression AS. He also prepared sample seal, Form-29 separately and kept the same in double lock of Malkhana of concerned police station by operating the same after taking keys from the MHC. He proved handing over memo Ex.P14 which was attested by him.

15. On the next day he operated double lock in aforesaid manner and handed over the case property along with sample seal to SI Rajbir Singh. He produced the case property before Illaqa Magistrate concerned and got the same authenticated. The Court ordered to deposit the bulk parcel in the judicial malkhana but due to non acceptance of order of the Court the case property parcel could not be deposited in judicial malkhana. On arrival in police station, SI Rajbir Singh handed over the aforesaid parcels of case

property back to him which were kept by him in double lock.

16. On 22.12.2009 he handed over fourteen bulk parcels aforesaid to SI Rajbir Singh for depositing the same in judicial malkhana as per orders of the court. SI Rajbir Singh deposited them on the same day and handed over to him the receipt of deposit.

17. On 30.12.2009 he handed over the fourteen sample parcels along with sample seal and issued docket to HC Sukhjit Singh for depositing the same in the office of Chemical Examiner, Kharar who deposited the same and handed over the receipt to him. He stated that HC Sukhjit Singh had deposited the samples of this case along with Form M-29. Form M-29 was kept by FSL, Chandigarh in its office and was not returned while sending the report.

18. PW5 Amrik Singh Pawar, Superintendent of Police stated that on 20.12.2009, he was posted as DSP, Baba Bakala. On that day he received a telephonic call from Inspector Rajbir Singh who requested him to come to the spot. Thereafter he along with his subordinate staff reached there at about 2.05 PM in a government vehicle. He disclosed his identity to the apprehended person Hardip Singh and apprised him of his legal right to get himself searched from some Magistrate or from some other Gazetted Officer. Accused Hardip Singh reposed confidence in him and his consent memo Ex.P5 was prepared which was signed by the accused and attested by Inspector Rajbir Singh and SI Surinder Mohan. On his direction Inspector Rajbir Singh conducted the search of the cardboard box. He then deposed regarding the recovery etc. in the same manner as SI Rajbir Singh.

19. In cross examination he stated that when he reached the spot Surinder Kumar Uppal was not present. He admitted that statement of

Surinder Kumar Uppal had fled away from the spot. He stated that Form M-29 was prepared in his presence by the IO. However fact regarding preparation of Form M-29 was not got recorded in recovery memos Ex P- 6 and P-7.

20. PW6 ASI Balwinder Singh stated that on 25.04.2010, he was posted at P.S. Jandiala Guru. On that day the accused Sawinderpal Singh Uppal was arrested by him and was released on bail as per the order of Hon'ble Punjab and Haryana High Court.

21. DW1 HC Parminder Singh P.S. Jandiala brought the summoned record Register No. 19 relating to this FIR. As per entry in the register only sample parcels and bulk parcels were got deposited in double lock up in the police malkhana. However, in cross examination he admitted that in the Register only entry regarding case property was made and not regarding documents. He stated that he did not know which documents were sent to the chemical examiner alongwith the samples.

22. From the above evidence, it is clear that on 20.12.2009 PW2 Inspector Rajbir Singh along with 6-7 other police officials had laid a picket at turn Tarn Taran Bye Pass, G.T. Road, Jandiala. At about 1.30 PM one truck PB-02-D-9723 which was coming from Amritsar side was signalled to stop. The truck driver Ranjit Singh stopped truck and came down. In the meantime from the backside of the truck one clean shaven person and one turbaned person having cardboard boxes on their head tried to ran away in backward direction. The police officials succeeded in apprehending the turbaned person who disclosed his name as Hardip Singh.

The clean shaved person succeeded in running away. However SI Rajbir

Singh recognized him as Surinder Kumar Uppal s/o Chaman Lal as he was

earlier known to him. The accused were apprised of their legal right to be searched by a Gazetted Officer or a Magistrate. Ranjit Singh reposed confidence in ASI Rajbir Singh and consent memo was prepared. From his search only a mobile phone, some currency and driving licence were recovered. Hardip Singh opted to be searched by a Gazetted Officer. DSP Amrik Singh Powar was called. Hardip Singh was again apprised of his right to be searched by a Gazetted Officer or a Magistrate. He reposed confidence in DSP Amrik Singh Powar. Consent memo was prepared which was duly attested. From the cardboard box in his possession intoxicant capsules and tablets wrapped in different poly bags were recovered. 1800 capsules of Parmodex, 400 capsules of Parvon Spas, 720 capsules of Spasmo Proxyvon, 1000 tablets of Dexovon, 14000 tablets of Microlit and 1000 tablets of Nitrazepam were recovered. From them 10/10 capsules/tablets each were taken out as sample. They were converted into 2/2 sample parcels. All these twelve parcels and remaining six bulk parcels were sealed by SI Rajbir Singh & DSP Amrik Singh Powar with their seal impression RS and AS. Form M-29 was filled.

23. On search of the cardboard box which was thrown by accused Surinder Kumar Uppal, 7000 capsules of Dexvon, 1440 capsules of Spasmo Proxyvon, 3200 capsules of Parvon Spas, 1220 capsules of Proxyvon, 20000 tablets of Microlit, 10000 tablets of Pitol, 1000 tablets of Sudhimol and 1250 tablets of Nitrazepam were recovered. Two samples of 10/10 capsules and tablets of each type were taken out. All the sixteen samples and eight bulk parcels were sealed by SI Rajbir Singh and DSP Amrik Singh Powar with their seal impression RS and AS. Form M-29 was prepared.

Officer PW 2 SI Rajbir Singh, PW 3 Inspector Surinder Mohan, PW5 DSP Amrik Singh Powar. The case property, sample seal and Form M-29 were deposited with SHO Arun Sharma (PW-4) by PW-2 SI Rajbir Singh. The former after checking the intactness of the seals affixed his seal AS on all the parcels and on Form M-29. SHO kept all the parcels along with sample seals and Form M-29 in his safe custody in double lock of malkhana after taking another key from concerned MHC.

25. The next day PW4 Inspector Arun Sharma handed over the case property along with sample seal to SI Rajbir Singh who produced the same before Illaqa Magistrate concerned and got the same authenticated. That day the case property could not be deposited in the judicial malkhana but was kept in the police malkhana. On 22.12.2009 it was deposited in the judicial malkhana as per orders of the Court by SI Rajbir Singh. On 30.12.2009 the fourteen sample parcels along with sample seal were deposited in the office of Chemical Examiner, Kharar by PW-1 HC Sukhjit Singh. Thus it has been proved that after recovery the case property has remained intact and was not tampered with. The report of the chemical examiner Ex P-18 proves that the intoxicant tablets and capsules recovered from the possession of Hardip Singh contained Dextropropoxyphene Hydrochloride, Dextropropoxyphene Napsylate, Diphenoxylate Hydrochloride and Nitrazepam.

26. The appellants in their defence had relied on the evidence of DW 1 HC Parminder Singh who had brought the record of Register No. 19 relating to this FIR. As per entry in the register only sample parcels and bulk parcels were got deposited in double lock up in the police malkhana. It was

Investigating Officer at the spot. Ld. Trial Court rightly rejected this argument. It was noticed that DW 1 HC Parminder Singh in cross examination admitted that in the Register only entry regarding case property was made and not regarding documents. PW-2 Inspector Rajbir Singh and PW-3 Inspector Surinder Mohan had categorically deposed that Form M-29 was prepared at the spot. PW-5 DSP Amrik Singh Powar also similarly deposed regarding preparation of Form M-29 at the spot. PW-4 Inspector Arun Sharma (SHO) had also deposed that SI Rajbir Singh had handed over Form M-29 and sample seals along with sample parcels and bulk parcels to him which he deposited in the police Malkhana. He further deposed that on 30.12.2009 PW-1 HC Sukhjit Singh had deposited the samples of this case along with Form M-29 with the FSL. Form M-29 was kept by FSL, Chandigarh in its office and was not returned while sending the report.

27. The Ld. Trial Court rightly convicted Hardip Singh for the offences charged. Thus there is no infirmity in the findings of the Ld. Trial Court qua accused Hardip Singh.

28. However, regarding accused Surinder Kumar Uppal, the case is entirely on a different footing. He admittedly was not apprehended at the spot. The case of the prosecution is that he had succeeded in running away from the spot after dropping the cardboard box kept by him on his head. He was recognized by SI Rajbir Singh as he was previously known to him. In his cross examination PW 2 SI Rajbir Singh stated that the police party comprised 7-8 police personnel apart from him. He stated that he knew Surinder Kumar Uppal who was a resident of village Khilchian. He stated that he had got to know Surinder Kumar about four-five months prior to this

Kumar Uppal at Khilchian. He stated that he got to know Surinder Kumar Uppal when he received some reports from CIA staff. He admitted that Surinder Kumar Uppal was not arrested at the spot nor was he arrested during investigation. He stated that he did not record any confessional statement of Ranjit Singh or Hardip Singh that Surinder Kumar Uppal had fled away from the spot. He also stated that he did not get identification parade of Surinder Kumar Uppal conducted.

29. PW3 Inspector Surinder Mohan who was a member of the police party when the recovery was made also corroborated that accused Surinder Kumar Uppal was not arrested at the spot by the IO in his presence. He stated that before the present case he did not know Surinder Kumar Uppal personally. He had seen Surinder Kumar Uppal in Court during the trial and before that he had never seen him. No confessional statement was got recorded by IO that the alleged drug recovered belonged to Surinder Kumar Uppal.

30. Thus the only evidence against Surinder Singh Uppal is that he was recognized by PW2 SI Rajbir Singh as he was previously known to SI Rajbir Singh. As is evident from the cross examination of PW2 SI Rajbir Singh he has not fully explained as to how he got to know Surinder Kumar Uppal. His deposition in this regard is vague. He stated that he knew Surinder Kumar four-five months prior to this case and he got to know Surinder Kumar Uppal when he received some reports from CIA staff. What were those reports? Was Surinder Kumar Uppal involved in any case? Was he ever interrogated, taken into custody? Nothing has been specified. It would be unsafe to convict him in the face of this weak evidence. Thus it

against accused Surinder Kumar Uppal beyond reasonable doubt.

31. Accordingly, the appeal filed by Surinder Kumar Uppal (CRA-D-219-DB-2015) is allowed, while the appeal filed by Hardip Singh (CRA-D-159-DB-2015) is dismissed. Appellant Surinder Kumar Uppal is acquitted of all the charges framed against him by giving him benefit of doubt. He be released forthwith, if not required in any other case.

(RAJIV SHARMA)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

November 27, 2019
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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No