

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M-5999-2019

Date of Decision: 28.08.2019

Gurpreet Singh @ Gola

.....Petitioner

Vs.

State of Punjab

.....Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

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

Mr. Rajat Bansal, A.A.G., Punjab.

AMOL RATTAN SINGH, J. (ORAL)

Pursuant to the order dated 24.07.2019, an affidavit of Sh. Dhruv Dahiya, the Senior Superintendent of Police, Tarn Taran, has been filed in Court today by learned State counsel, a copy of which has been given to learned counsel for the petitioner, with the affidavit therefore taken on record.

In the affidavit, it has been stated that the contention raised by the petitioner, to the effect that a cyclostyled recovery memo was filled in by the investigating officer, was found to be correct; and consequently, ASI Kulwinder Singh, as also the SHO of the Police Station concerned, i.e. Inspector Sucha Singh, are being subjected to a departmental enquiry marked to the Superintendent of Police, Traffic and Security.

It has been further stated that an order has been issued by the SSP on 12.08.2019, directing all gazetted officers in the district to ensure that strict compliance is made of the provisions of the NDPS Act, the Cr.P.C. and other

procedural laws, in all criminal cases, failing which action would be taken against them.

A copy of the said order passed by the SSP, directing an enquiry to be held, as also the order directing that the provisions of the statutes be complied with, have been annexed with the affidavit.

Keeping in view the fact that the SSP has found that in fact a cyclostyled recovery memo was prepared by the person who is stated to have apprehended the petitioner carrying contraband with him (on a chance-encounter with him), the petition is allowed, with the petitioner ordered to be released on bail to the satisfaction of the trial Court.

However, the case file be put up again on 29.11.2019, for the result of the enquiry ordered to be conducted, to be placed on record by the SSP.

August 28, 2019
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
Yes