

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 01.04.2019

1. CRM-M-17658-2015

Gurminder Singh @ Lali

...Petitioner

Versus

State of Punjab and ors.

...Respondents

2. CRM-M-17679-2015

Gurminder Singh @ Lali

...Petitioner

Versus

State of Punjab and ors.

...Respondents

3. CRM-M-17606-2015

Gurminder Singh @ Lali

...Petitioner

Versus

State of Punjab and ors.

...Respondents

4. CRM-M-17611-2015

Gurminder Singh @ Lali

...Petitioner

Versus

State of Punjab and ors.

...Respondents

5. CRM-M-17636-2015

Gurminder Singh @ Lali

...Petitioner

Versus

State of Punjab and ors.

...Respondents

CORAM: HON'BLE MR JUSTICE ARVIND SINGH SANGWAN

Present: Mr. L.S. Chahal, Advocate
for the petitioner.

Mr. Sidakmeet Sandhu, AAG, Punjab.

Ms. Kaavya Jariyal, Advocate for
Mr. Sumeet Goel, Advocate
for respondent No.4-CBI.

ARVIND SINGH SANGWAN, J.

Prayer in all these petitions is for issuance of directions to the respondents to hand over the investigation of following FIRs to an independent investigating agency like CBI: -

1. CRM-M-17658-2015 - FIR No.162 dated 17.07.2014

under Sections 411, 414, 489A, 489B, 489C,
Sections 25/54 of Arms Act, Sections 21/22/61 of
NDPS Act and Section 14 of Foreigners Act,
registered at Police Station Gharinda, District
Amritsar.

2. CRM-M-17679-2015 - FIR No.18 dated 29.12.2014

under Sections 21/25/29/61/85 of NDPS Act,
registered at Police Station State Special

Operation Cell, Amritsar.

3. CRM-M-17606-2015 - FIR No.169 dated 26.10.2013

under Sections 21/22/6185 of NDPS Act,
Sections 25/54/59 of Arms Act and Section 3 of
OS Act, registered at Police Station Kambo,
District Amritsar.

4. CRM-M-17611-2015 - FIR No.262 dated 20.11.2014

under Sections 411, 414, 489A, 489B, 489C,
Sections 25/54/59 of Arms Act, Sections 3/34/20
of IP Act, Section 14 of Foreigners Act and
Sections 21/22/61/85 of NDPS Act,
registered at Police Station Gharinda, District
Amritsar.

5. CRM-M-17636-2015 - FIR No.17 dated 16.12.2014

under Sections 18/21/29/61/85 of NDPS Act,
Section 307 IPC, Sections 25/54/59 of Arms Act,
Section 14 of Foreigners Act, Sections 3/34/20 of
IP Act, registered at Police Station S/SOC,
District Amritsar.

Reply by way of affidavit of Deputy Superintendent of Police,
Attari, District Amritsar (Rural) was filed on 24.07.2015, in which details of
the investigation were given. Separate reply on behalf of respondent No.4-
CBI was also filed, in which it is stated that Punjab Police is well equipped
and trained to investigate such type of cases. This case does not fall in the

category of cases, which can be referred to CBI, as per directions of the Hon'ble Supreme Court in **State of West Bengal Vs. Committee for Protection of Democratic Rights, 2010 (3) SCC 571**.

Another affidavit of DSP, Attari, District Amritsar (Rural) dated 31.03.2019 has been filed in the Court today, giving details about status of the investigation. It is stated that during the investigation, one Harjinder Singh @ Jinda was arrested on 03.10.2014 and 100 grams heroin was recovered from him, Satnam Singh @ Satta was arrested on 30.09.2014 and one Pakistani SIM along with Nokia mobile phone was recovered from him, Gurmeet Singh @ Bhola, Lakhwinder Singh @ Kaka and Sukdev Singh @ Sukha were arrested on 01.10.2014, Suba Singh, Diwan Singh, Bakshish Singh were arrested on 25.09.2014, Joginder Singh, Dharam Singh, Major Singh and Gurbachan Singh were arrested on 16.08.2014, Massa Singh was arrested on 17.09.2014, Angrez Singh, Gurmeet Singh, Suba Singh, Gurmukh Singh, Baj were arrested on 18.07.2014.

It is further stated in this affidavit that during the investigation, one Charanjit Singh was declared innocent and one co-accused Pala Singh is yet to be arrested. In para No.7 of this reply, details of 09 other FIRs against the petitioner are given and the same are as under: -

"I. That the petitioner was arrested by DRI, Delhi in 1995 and 05 kgs of Heroin was recovered from him and he has been convicted with 10 years Rigorous Imprisonment in the said case.

II. FIR No.13 dated 22.01.13 u/s 307 IPC, 25/54/59 Arms Act,

- 21 NDPS Act, 3/34/20 IP Act, Police Station Lopoke, District Amritsar (Rural).*
- III. FIR No.161 dated 10.10.13 u/s 411, 414, 489A/B/C IPC, 25/54/59 Arms Act, 21 NDPS Act, 3/34/20 IP Act, Police Station Gharinda, District Amritsar (Rural).*
- IV. FIR No.172 dated 26.10.13 u/s 307 IPC, 25/54/59 Arms Act, 21 NDPS Act, 3/34/20 IP Act, Police Station Lopoke, District Amritsar (Rural).*
- V. FIR No.169 dated 26.10.13 u/s 25/54/59 Arms Act, 3 OS Act, Police Station Kambo, District Amritsar (Rural). Recovery 400 gms intoxicant powder.*
- VI. FIR No.162 dated 22.01.13 u/s 307 IPC, 25/54/59 Arms Act, 21 NDPS Act, 3/34/20 IP Act, Police Station Lopoke, District Amritsar (Rural).*
- VII. FIR No.262 dated 20.10.14 u/s 411, 414, 489A/B/C IPC, 25/54/59 Arms Act, 21/22 NDPS Act, 14-F Act, 3/34/20 IP Act, Police Station Gharinda, District Amritsar (Rural).*
- VIII. FIR No.17 dated 16.12.14 u/s 18/21/29 NDPS Act, 25/54/59 Arms Act, 307/34 IPC, 3/34/20 IP Act, 14-F Act, Police Station SSOC, District Amritsar. Recovery 19 kgs Heroin.*
- IX. FIR No.18 dated 29.12.14 u/s 21/25/29 NDPS Act, Police Station SSOC, District Amritsar. Recovery 9 kgs Heroin.”*

It is further stated in the reply that on 25.03.2019, office of SSP, Amritsar Rural has forwarded a report to the District Attorney (Legal),

Amritsar seeking legal opinion regarding further course of investigation.

Learned State counsel, on instructions from ASI Pal Singh, submits that challan will be presented within a period of 02 months from today.

The Senior Superintendent of Police, Amritsar Rural is directed to ensure that challan is presented within the stipulated time.

With these observations, this petition is disposed of.

[ARVIND SINGH SANGWAN]
JUDGE

01.04.2019
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Whether speaking/reasoned	Yes/No
Whether reportable:	Yes/No