

CRM-M-28780 of 2018

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

CRM-M-28780 of 2018
Date of Decision: 13.03.2019

Gurjit Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MR. JUSTICE RAMENDRA JAIN

Present: Mr. Vikas Bali, Advocate, for the petitioner.
Mr. Harpreet Multani, AAG, Punjab.

RAMENDRA JAIN, J. (ORAL)

Through instant petition under Section 482 Cr.P.C. prayer has been made for quashing FIR No.334 dated 15.11.2016 registered under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 at Police Station Focal Point, District Ludhiana.

Briefly, on 15.11.2016, truck bearing registration No.PB-08-AW-9967 being driven by Sukhdev Singh, who was accompanied by Sonu Kumar cleaner, was apprehended at T-point near Cancer Hospital, Ludhiana, carrying 100 strips of Spasmo Proxyvon Plus, 80 strips of Lomotil tablets and 30 bottles of Corex Cough Syrup.

Learned State counsel, as per record, on instructions from ASI Pyara Singh, has fairly conceded that on interrogation driver Sukhdev Singh and cleaner Sonu Kumar did not disclose complicity of the petitioner in carrying aforesaid contraband. Rather, they owned their own responsibility for carrying the same.

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owner of fleet of 18 truck, including the present one and he has not been found involved ever in any case of smuggling of narcotics. Petitioner is completely innocent, because, for any act done by his driver, without his knowledge, he cannot be prosecuted.

Having given thoughtful consideration to the above submissions, instant petition merits acceptance for the reason that since complicity of petitioner was not found during investigation, therefore, he cannot be made to suffer to face trial in the aforesaid FIR.

In view of above, petition is allowed. FIR No.334 dated 15.11.2016 is quashed qua petitioner only.

March 13, 2019
R.S.

(Ramendra Jain)
Judge

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No