

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

**CRM No.M-33642 of 2018 (O&M)
Date of Decision: January 22, 2019**

Bakshish Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Jatinder Pal Singh Smagh, Advocate
for the petitioner.

Mr.Dhruv Dayal, Sr.DAG, Punjab
for the respondent-State.

INDERJIT SINGH, J.

Petitioner has filed this petition under Section 482 Cr.P.C. against respondent State of Punjab for quashing the proceedings of case FIR No.190 dated 05.10.2012 under Section 18 of the NDPS Act, registered at Police Station Guruharsahai, District Ferozepur etc.

Notice of motion was issued. Learned State counsel appeared and contested the petition.

I have heard learned counsel for the petitioner as well as learned State counsel and have gone through the record.

From the record, I find that as per prosecution version, present petitioner was apprehended from the motorcycle while riding as pillion on it. From the bag, which was with him, 2 kgs. of opium was recovered.

The present petitioner was apprehended on the spot. After

investigation, report under Section 173 Cr.P.C. has been filed and finding prima facie case, the petitioner was charge-sheeted. Statements of witnesses have already been recorded and on the application of the present petitioner, co-accused who was stated to be driving the motorcycle, has been summoned as additional accused. All these facts show that learned trial Court has already taken the cognizance in the present case and has found prima facie case against the accused-petitioner.

The FIR is of 2012 and the present petition has been filed on 04.08.2018. Learned counsel for the petitioner argued that a false case has been planted upon the petitioner but this finding that it is a false case, can be given only on the basis of the evidence. At this stage, there is no such document on record and without any evidence, it cannot be held that it is a false case. In no way, it can be held that registration of the FIR in the present case, is abuse of process of law and amounts to miscarriage of justice.

Therefore, finding no merit in the present case, the same is dismissed.

January 22, 2019
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No