

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-3008 of 2019 (O&M)

Date of Decision: 06.012.2019

Surinder Kumar

..... Petitioner

versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Bhupinder Ghai, Advocate,
for the petitioner.

Mr. B.S. Sewak, Addl. A.G. Punjab.

AMOL RATTAN SINGH, J. (ORAL)

By this revision petition, the petitioner challenges the order of the learned trial court dated November 30, 2018, by which charges have been framed against him, to the effect that he has committed offences punishable under Sections 21 and 29 of the NDPS Act, 1985.

Learned counsel for the petitioner submits that as a matter of fact the petitioner has been falsely implicated in the FIR, even though, admittedly, no contraband was recovered from him and the vehicle from which it is stated to have been recovered (as per the case of the investigating agency), does not belong to him. He submits that his false implication is on the account of the fact that police officials of Police Station Kotfatta, District Bathinda, used to keep harassing him to provide them vehicles, for patrolling and otherwise, which he had refused and in respect of which he had also made a representation to the DGP, Punjab, on December 13, 2016, i.e. about 4 months prior to the FIR having been registered on 15.04.2017, upon which however no action was taken; leading to him filing CRM-M-45475 of 2016, which was disposed of by a co-ordinate Bench on December 20, 2016, with a direction to the SSP, Bathinda, to look into the representation of the petitioner.

He submits that no action even having been thereafter taken, eventually the petitioner was impleaded in the FIR allegedly on the disclosure statement made by the person stated to have been arrested at the spot, i.e. Kulwinder Singh.

Learned counsel has further submitted that in fact the petitioner had also been admitted to anticipatory bail by this court upon him having filed CRM-M-18703 of 2017.

Though otherwise in fact I was in the process of issue notice of motion, simply at least at this stage to get a response from the State, however, it is seen that this petition has also been filed after a delay of 282 days, with the trial obviously being in progress by now.

Therefore, with the criteria for admitting a person to anticipatory bail being very different from quashing the charge framed against him, at this stage I see no reason to entertain this petition, which is consequently dismissed.

However, nothing stated hereinafore will affect the outcome of the trial, with the trial court to obviously come to its own conclusion as per the evidence led before it, including any defence taken by the petitioner.

Consequently, the application for condonation of delay and the petition stand dismissed.

December 06, 2019
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned
Whether Reportable

Yes
No.