

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

CRM-M-26950-2020
Date of Decision: 11.09.2020

Guljar Singh @ Jodha

.....Petitioner

Versus

State of Punjab and another

.....Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Amit Shukla, Advocate,
for the petitioner.

Mr. Ajay Pal Singh Gill, DAG, Punjab.

HARNARESH SINGH GILL, J.

Case was taken up for hearing through video conferencing.

Through this petition, the petitioner seeks quashing of FIR No.22 dated 30.03.2019, registered at Police Station Rangar Nangal, Police District Batala, District Gurdaspur, under Sections 8, 15 and 61 of the Narcotic Drugs and Psychotropic Substances Act, 1985.

As per the prosecution version, a special informer gave a video on whatsapp that the petitioner had planted poppy-husk in his fields surrounded by the mustard crop. This was brought to the notice of the Deputy Superintendent of Police and accordingly, the above-noted FIR was registered.

Learned counsel for the petitioner has contended that the petitioner, being an innocent person, has falsely been implicated in the above-noted FIR. He has further submitted

that earlier, the petitioner had filed CRM-M-24585-2018, seeking protection of his life and liberty at the hands of Joga Singh, Kashmir Singh @ Kala and Ranjit Singh. In the said petition, it was averred that maternal uncle of the petitioner i.e. Darshan Singh had purchased some land from the wife of Joga Singh, vide sale deed executed on 03.06.2014 and the entire sale consideration was also paid. But, after the death of Darshan Singh, Joga Singh and others had been asking the petitioner to pay Rs.4,50,000/- and in connivance with the official respondents, he had been pressurizing the petitioner and not allowing him to live peacefully. The said petition was disposed of on 11.07.2018 directing the Senior Superintendent of Police, Gurdaspur, to look into the threat perception. Thus, having got infuriated on account of the aforesaid directions issued by this Court and in collusion with the local police, the aforesaid Joga Singh and others, have implicated the petitioner in the present case.

He has further argued that during investigation, documents pertaining to the innocence of the petitioner had been placed before the investigating agency, but the said documents have never been looked into. He has further submitted that the entire version recorded in the FIR is a result of concoction inasmuch as Inspector Sukhwinder Singh, who had allegedly gone to the fields of the petitioner, had cut the green poppy husk plants and shown the weight thereof as 83-kg so as to make it fall in the commercial quantity. He relied upon the decisions rendered in Shiv

Kumar and another Vs. Jaswant Singh and another 1992(1) R.C.R. (Criminal) 236 and State of Haryana and others Vs. Ch. Bhajan Lal and others JT 1990(4) SC 650.

On the other hand, the learned State counsel has submitted that from the contents of the FIR, it has emerged that the petitioner had grown poppy crop in his fields surrounded by the mustard crop. The above-noted FIR cannot be considered as a counter-blast to the petition i.e. CRM-M-24585-2018, filed by the petitioner, and the order passed therein for protecting his life and liberty, as a *prima facie* case is made out against him. It is further contended that there is no circumstance or material fact in the present case which may warrant interference of the inherent jurisdiction of this Court under Section 482 Cr.P.C.

I have heard the learned counsel for the petitioner, the learned State counsel and with their able assistance, have also gone through the case file.

The above-noted FIR was registered on receipt of the information on whatsapp from a secret informer that poppy husk had been planted by the petitioner in his fields surrounded by mustard crop. The investigating team inspected the fields and recovery of plants of poppy husk was effected and it was only thereafter, the present FIR was registered.

Primarily, the petitioner seeks quashing of the FIR on the ground that he has been falsely implicated and that the documents submitted by him to the investigating agency

have not been adverted to, which if looked into would prove the innocence of the petitioner. However, I do not find any substance in the said plea for the reason that it is for the investigating agency to conduct the investigation in the manner befitting to it and in order to bring the guilt home. If the petitioner is so sanguine of his innocence, he has the opportunity to prove it before the trial Court by raising such pleas supported by the evidential justifications. But, in no case, the petitioner can be allowed to come rushing to this Court for quashing of the criminal prosecution on the ground that the alleged recovery had been planted upon him.

It is settled that High Court can exercise its power of judicial review in criminal matters. In State of Haryana and others Vs. Bhajan Lal and others 1992 Supp (1) SCC 335, the Hon'ble Supreme Court examined the extraordinary power under Article 226 of the Constitution and also the inherent powers under Section 482 of the Code, which it said could be exercised by the High Court either to prevent abuse of the process of any court or otherwise to secure the ends of justice. It was further held that where the allegations made in the first information report or the complaint, even if they are taken at their face value and accepted in their entirety do not prima facie constitute any offence or make out a case against the accused, the High Court will be within its power to quash the criminal proceedings. The aforesaid view was reiterated in Pepsi

Foods Ltd. and another Vs. Special Judicial Magistrate and others, (1998)5 SCC 749.

In the present case, it could not be shown that the initiation of the criminal proceedings is an abuse of process of law or if taken on their face value, such proceedings would not constitute any offence or make out a case against the petitioner.

No other point has been urged.

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

September 11, 2020
parveen kumar/ds

(HARNARESH SINGH GILL)
JUDGE

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