

CRM-M-41073-2021

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

CRM-M-41073-2021.
Date of Decision:-30.09.2021.

Kanwaljit Singh @ Kamla

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Hardeep Singh, Advocate for the petitioner.

(Through Video Conferencing)

VIKAS BAHL, J. (Oral)

This is a petition filed under Section 482 Cr.P.C., in which primarily a prayer has been made by the petitioner for directing respondent No.3-Senior Superintendent of Police, Patiala, to consider the application dated 09.08.2021 (Annexure P-5).

The petitioner No.1 is stated to be an Ex-Serviceman. It has been stated in the representation that the incident took place on 27.07.2021 with the traffic police for which a challan had been issued on 27.07.2021 (Annexure P-2) and on account of a heated discussion, an FIR No.202 dated 27.07.2021 under Section 15 of the NDPS Act at Police Station Anaj Mandi, District Patiala, was registered against the petitioner and his friend Bhajan Singh.

Learned counsel for the petitioner has submitted that in fact there was no recovery of 1 kg of poppy husk from petitioner or his friend and in fact the said FIR had been registered on account of the dispute which had occurred with the traffic police. Learned counsel for the petitioner has submitted that the

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petitioner would be satisfied in case respondent No.3-Senior Superintendent of Police, Patiala looks into the matter and takes appropriate action thereupon.

Notice of motion.

On advance notice, Mr. Saurav Khurana, DAG, Punjab, appears and accepts notice on behalf of the respondents. He has, however, opposed the present petition but has submitted that as far as the consideration of application dated 09.08.2021 (Annexure P-5) is concerned, State has no objection in case, the same is considered in accordance with law.

Keeping in view the facts and circumstances of the present case, this Court deems it appropriate to direct respondent No.3 to look into the application (Annexure P-5) and take appropriate action thereupon, in accordance with law.

It is, however, clarified that this Court has not gone into the merits of the allegations made by the petitioner and it would be open to respondent No.3 to make his independent enquiry/assessment with regard to the above-said application with the limited prayer aforesaid.

In view of what has been observed above, the present petition is disposed of in the above-said terms.

It is, further, clarified that this order shall not debar the State from proceeding against the petitioner, if involved in any other case.

(VIKAS BAHL)
JUDGE

September 30, 2021.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No