

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

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CRM-M-41567-2021

Date of Decision: 05.10.2021

Sarvodya Rakesh Bahri

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Bikramjit Aroura, Advocate,
for the petitioner.

(proceedings conducted through video conferencing)

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner has approached this Court seeking quashing of FIR No.0002 dated 07.01.2020 registered at Police Station Gharinda Amritsar Rural, under Sections 21/23 of the NDPS Act; 411/414 IPC and Section 25 of the Arms Act (Section 120-B IPC added later on) as well as offences under Sections 465/468/471 IPC and Sections 24/25/27-A of the NDPS Act added subsequently.
2. I have heard learned counsel for the petitioner.
3. A perusal of the report under Section 173 Cr.P.C. filed by the investigating agency shows that some role has also been attributed to the petitioner. The relevant extract from the said report reads as follows:

“.....It has come to light from the interrogation of
Rishabh Arora that one drone was bought by Sarvodya

Rakesh Bari S/o Rakesh Bari R/o 485-12, Shakti Nagar, Jammu and was given to them. On which Sarvodya Rakesh Bari S/o Rakesh Bari R/o 485-12, Shakti Nagar, Jammu was summoned to the Police Station on 20.01.2020, who had come present in the Police Station on 20.01.2020, who had not produced any record pertaining to selling of drone, who was made to join the investigation of the case and after questioning he was arrested in this case. He has been found to be equal partner with Rishabh Arora in selling of drone because while selling drone they had not checked any document which were prepared by the Army and neither had they sought the document vide which the committee was constituted by Army for purchase of drone.”

4. Learned counsel for the petitioner has, however, vehemently argued that the aforesaid reference to the role of the petitioner is based on the disclosure statement of co-accused Rishabh Arora, which hardly has any evidentiary value. Learned counsel has further submitted that in any case even if the aforesaid reference is taken to be correct, still no offence under Sections 465/468/471 IPC or any offence under the NDPS Act can be said to be made out and in fact no offence under Sections 411 & 414 IPC or under the Arms Act could be attracted.
5. On the other hand, learned State counsel, upon whom an advance copy had already been served, has informed that challan already stands presented and charges are yet to be framed.
6. In view of the aforestated position, the instant petition is disposed of with liberty to the petitioner to raise all the pleas before the trial Court, as have been raised herein.

7. Needless to mention, in case all such pleas are raised before the trial Court, the same shall be considered and dealt with in accordance with law by passing a speaking order.

05.10.2021

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned: **Yes/No**

Whether reportable: **Yes/No**