

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

CRA-S-461-SB-2006(O&M)

Date of decision:-26.9.2022

Anurodh

...Appellant

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR.JUSTICE H.S.MADAAN

Argued by: Mr.A.P.S. Mann, Advocate
for the appellant.

Mr.G.S.Dhillon, AAG, Punjab.

H.S. MADAAN, J.

1. Appellant/accused Anurodh had faced trial by learned Judge, Special Court, Ludhiana in a case FIR No.264 dated 17.9.2000 for an offence under Section 20 of Narcotic Drugs and Psychotropic Substances Act, 1985 (hereinafter referred to as '**the Act**'), Police Station Focal Point, Ludhiana, on the allegations that on 17.9.2000 at about 12:45 p.m., in the area of T-point, Pakhar Colony, Giaspura, he was found in conscious possession of 3 kgs. of Charas, without any licence or permit.

2. Vide judgment dated 25.2.2006, appellant/accused was convicted for an offence for which he was booked and in terms of order passed on that very date, he was sentenced to undergo rigorous imprisonment for ten years and to pay a fine of Rs.1,00,000/- and in default thereof to further undergo simple imprisonment for a period of six months.

3. Briefly stated, facts of the case, as per the prosecution version are that on 17.9.2000, SI Harbans Singh posted as Additional SHO (hereinafter referred to as the Investigating Officer/IO) at Police Station Focal Point, Ludhiana along with ASI Dulla Singh and other police officials had laid a picket at T-point, Pakhar Colony at 33 feet road; one Pawan Kumar was joined with the police party; at about 12:45 p.m., the accused was spotted coming from the side of Lohara holding a plastic bag having contents in his right hand; he was apprehended on the basis of suspicion and his name and other particulars were inquired about, which he disclosed; the IO suspected that the accused was carrying some contraband in the plastic bag, as such he informed him that wanted to carry out the search of the bag and the accused had a right to get the search conducted in presence of a gazetted officer or a Magistrate; the accused opted to get the search conducted in presence of some gazetted officer; a memo in that regard Ex.PA was prepared, which was signed by the accused and attested by ASI Dulla Singh and Pawan Kumar independent witness.

Thereafter, the IO requested Sh.Gurjit Singh, DSP by making a telephonic call to him to arrive at the spot. DSP Gurjit Singh reached there at about 1:30 p.m.; he disclosed his identity to the accused and informed him that if the accused so desired, then some other gazetted officer or a Magistrate could be called but the accused reposed faith in DSP Gurjit Singh; a consent memo in that regard was prepared; thereafter under the instructions of DSP Gurjit Singh, the IO conducted the search of the plastic bag of the accused, which was found to contain Charas

wrapped in a polythene sheet; the IO separated two samples of 10 grams each from the recovered Charas and on being weighed, the residue came out to be 2 kgs. 980 grams; the samples and the residue Charas were converted into separate parcels, sealed with the seal of the IO having inscription 'HC' and that of DSP Gurjit Singh having inscription 'GS'; specimen seal impressions were taken on chit Ex.P1; then the entire case property was taken into police possession vide a recovery memo Ex.PC, attested by Pawan Kumar, independent witness and ASI Dulla Singh besides DSP Gurjit Singh; the IO handed over his seal after use to ASI Dulla Singh.

The accused could not produce any valid permit or licence for possession of the contraband. He was accordingly arrested in this case as per rules, preparing requisite documents i.e. memo of jamatalashi Ex.PF, signed by the accused and attested by the witnesses; grounds of arrest were served upon the accused vide memo Ex.PG.

The IO sent ruqa Ex.PD to the police station, on the basis of which formal FIR Ex.PD/1 was registered by ASI Nishan Singh. The Investigating Officer prepared rough site plan of the place of recovery as Ex.PE and recorded statements of witnesses.

On return to the police station, the Investigating Officer produced the accused along with witnesses and the case property before ASI Nishan Singh, who was officiating as SHO of the police station. After verification of the facts, ASI Nishan Singh put his own seal having inscription 'NS' on the sample parcels and bulk parcel besides on sample seal impression chit Ex.P1. Thereafter, as directed by ASI Nishan Singh,

the IO deposited the case property with AMHC Kuldeep Singh.

On the next day i.e. on 18.9.2000, the case property along with the sample seals impressions chit were received by ASI Dulla Singh from AMHC Kuldeep Singh, Incharge of MALKHANA of the police station for producing the same before CJM, Ludhiana; ASI Dulla Singh had submitted an application Ex.PH on which learned CJM passed order Ex.PH/1. After production of the case property in the Court of CJM, Ludhiana, it was redeposited with AMHC Kuldeep Singh.

On 25.9.2000, a sample parcel along with sample seal impressions chit were handed over to Constable Baldev Singh by AMHC Kuldeep Singh with a direction to get the docket issued from the office of SSP, Ludhiana. Constable Baldev Singh did so and thereafter deposited the articles with AMHC Kuldeep Singh.

On 26.9.2000, Constable Baldev Singh again received such articles i.e. sample parcel, sample seal impression chit and docket issued by the office of SSP, Ludhiana and took those to the office of Chemical Examiner, Punjab, Patiala. He deposited such articles there and on that very day, on return to the police station handed over receipt to AMHC Kuldeep Singh. As per report Ex.PX received from the office of Chemical Examiner, Punjab, Patiala, the sample parcel was found to be that of Charas. After completion of investigation and other formalities, challan against the accused was prepared and filed in the Court.

4. On presentation of the challan, copies thereof were supplied to the accused free of costs, as envisaged under Section 207 Cr.P.C.

5. On receipt of the case in the Court, observing that prima

facie charge for an offence under Section 20 of the Act was disclosed against accused, he was charge-sheeted accordingly, to which, he pleaded not guilty and claimed trial.

6. During the course of its evidence, the prosecution examined the following witnesses:

PW1 HC Kuldeep Singh, who was posted as AMHC at Police Station Focal Point, Ludhiana on 17.9.2000 and with whom SI Harbans Singh had deposited the case property, which was then handed over to ASI Dulla Singh by him on the next day for the purpose of producing it in the Court and who after doing so had re-deposited the case property with said AMHC and further he (this witness) had handed over the sample parcel to Constable Baldev Singh along with sample seal impression chit on 25.9.2000 for the purpose of getting docket issued from the office of SSP, Ludhiana, who after getting the needful done had re-deposited those articles with him on that very day, deposed in that regard. He further stated that on 26.9.2000, he had again handed over sample parcel, sample seals impressions chit and docket to Constable Baldev Singh for the purpose of depositing those articles in the office of Chemical Examiner, Punjab, Patiala; Constable Baldev Singh complied with that directions and on return had handed over receipt to him on the same day. This witness stated that so long as the case property remained with him neither he tampered with the same nor allowed anyone to do so.

PW2 SI Harbans Singh, who was heading the police party, which on 17.9.2000 at about 12:45 p.m. had intercepted the accused during *NAKABANDI* at T-point, Pakhar Colony, 33 feet road, Ludhiana

and had effected recovery of contraband from him, deposed in that regard. In addition to that he testified with regard to the investigation conducted by him proving various documents stating that on completion of investigation, challan was prepared by Inspector Balwinder Singh.

PW3 ASI Dulla Singh, a witness of recovery supported the prosecution story on material aspects.

PW4 SI Nishan Singh, who on 17.9.2000 while holding rank of ASI was officiating SHO of Police Station Focal Point, Ludhiana deposed regarding his part with regard to SI Harbans Singh producing the accused along with witnesses and case property before him, his verifying the facts and then putting his own seal having impression 'NS' on the sample parcels and bulk parcel besides sample seals impressions chit Ex.P1 and thereafter directing IO to deposit the case property with AMHC Kuldip Singh, deposed in that regard. He further stated that earlier on receipt of ruqa by SI Harbans Singh, he had recorded formal FIR Ex.PD/1.

PW5 DSP Gurjit Singh in whose presence the plastic bag carried by the accused had been searched, which was found to contain Charas testified in that regard besides narrating about his role as far as search and seizure of contraband from the accused was concerned.

PW6 Constable Baldev Singh, the carrier of the sample parcel to the office of Chemical Examiner, Punjab, Patiala deposed regarding safe custody of the case property as long as it remained in his possession.

Learned Additional P.P. for the State gave up PW Pawan

Kumar @ Pappu for the reason of having being won over by the accused. The prosecution relied upon various documents including report by Chemical Examiner, Punjab, Patiala as Ex.PX.

7. After closure of prosecution evidence, statement of the accused was recorded under Section 313 Cr.P.C., in which all the incriminating circumstances in the prosecution evidence appearing against him were put to such accused but he denied the allegations contending that he had been picked up from his house and thereafter falsely involved in this case and as a matter of fact no recovery had been effected from him.

8. During the course of his defence evidence, the accused examined Nagina Ram son of Ramnath as DW1, who stated that he knew accused Anurodh, who was working as a Contractor with M/s Standard Motors and at that time he (this witness) used to work under him; on 15.9.2000 at about 2:00 p.m., when after taking lunch, they came to the factory premises, then an Inspector along with a Head Constable of police came there and arrested the accused; the owner of the factory inquired from the police officials as to what was the matter, at which they told him that they would allow the accused to go after making inquiry; the police officials took Anurodh with them. The witness further stated that on 18.9.2000, he came to know that some case had been planted on the accused and that no Charas was recovered from the accused by the police in his presence.

9. After hearing arguments, learned trial Court had convicted and sentenced the accused as mentioned above, which left him aggrieved

and he had filed the present appeal, which was taken up on 9.3.2006, when it was admitted for regular hearing and recovery of fine was stayed during the pendency of the appeal. On an application under Section 389 Cr.P.C. having been filed by the appellant/accused for suspension of his sentence of imprisonment during the pendency of appeal, the same was allowed vide order dated 7.7.2009 and remaining sentence of the appellant was suspended during the pendency of the appeal and he was admitted to bail, subject to his furnishing personal and surety bonds to the satisfaction of learned CJM/Duty Magistrate, Ludhiana.

10. Now the appeal has come up for final hearing.

11. I have heard learned counsel for the appellant – accused – convict, learned Assistant Advocate General for the State of Punjab besides going through the record.

12. Here all the witnesses of recovery, namely, PW2 ASI Harbans Singh, PW3 ASI Dulla Singh and PW5 DSP Gurjit Singh had fully supported the prosecution story with regard to accused having been found in conscious possession of contraband. They were cross-examined at length on behalf of the accused but they stuck to their guns and could not be shattered on any material point. No previous enmity between them and the appellant/accused/convict has been alleged or proved prompted by which they might have involved the appellant/accused in this case wrongly and deposed against him falsely to secure his conviction. The account given by these PWs comes out to be worthy of reliance.

13. From the statements of PW1 HC Kuldip Singh with whom the case property remained deposited, in his capacity as Incharge of

MALKHANA of Police Station Focal Point, Ludhiana, PW3 ASI Dulla Singh, who had produced the case property along with accused before CJM, Ludhiana on the next day of recovery moving application Ex.PH on which CJM, Ludhiana had passed order Ex.PH/1 to the effect that bulk parcel i.e. 2 kgs. 980 grams and two packets of Charas each containing 10 grams duly sealed were produced in his Court and after inspection, those were handed over to ASI Dulla Singh for its safe custody as well as statement of PW6 Constable Baldev Singh, the carrier of the sample parcel to the office of Chemical Examiner, Punjab, Patiala, it comes out that the case property had remained in safe custody and sample parcel had reached the office of Chemical Examiner, Punjab, Patiala in an intact condition. The report Ex.PX from the office of Chemical Examiner, Punjab, Patiala goes to show that the seals on the sample parcel were intact and agreed with the sample seal impression sent along with the sample parcel and on analysis, it was found to be that of Charas. Thus, the prosecution had proved all necessary ingredients of the offence.

14. However, learned counsel for the appellant has submitted that the prosecution had been unable to prove guilt of the accused beyond a shadow of reasonable doubt and there are several infirmities and lacunae in the prosecution case giving rise to a doubt in the mind about the truthfulness of the prosecution story and as per law benefit of doubt deserved to be given to the appellant/accused, which was wrongly denied to him. Therefore, granting such benefit to the appellant/accused, he should be acquitted of the charge framed against him.

15. Learned counsel for the appellant has attacked the impugned

judgment on various grounds, which are discussed hereunder:

(1) Mandatory provisions of Section 50 of the Act not complied with.

According to learned counsel for the appellant the offer given to the accused by the IO was defective inasmuch he was not clearly informed about his legal right to get the search conducted in presence of some gazetted officer or a Magistrate. Similarly, DSP Gurjit Singh had not informed the accused in clear terms that he had a right to be searched in presence of some other gazetted officer or a Magistrate. Therefore, the search and seizure are rendered illegal and conviction of the accused cannot be based upon such type of evidence.

However, I am not convinced by such contention. The Apex Court in judgment **State of Himachal Pradesh Versus Pawan Kumar 2005(2) RCR(Cri.) 621** has observed that Section 50 of the Act applies to personal search of the accused and not with regard to the search of bag in his possession.

In any case from the statement of PW2 Harbans Singh, SI (Retd.), PW5 DSP Gurjit Singh along with non-consent statement Ex.PA and consent statement Ex.PB executed by the accused, it clearly comes out that accused had been told about his right to get the search conducted in presence of some gazetted officer or a Magistrate and he had opted to get the search conducted in presence of DSP Gurjit Singh, a gazetted officer.

The Apex Court in judgment **State Versus Dilbagh, 2006(2) RCR(Criminal)76** while dealing with a case under the Act where the

accused had been orally informed of his right to be searched in presence of gazetted officer or Magistrate in presence of independent witness, that was held to be sufficient compliance of Section 50 holding that such information need not be in writing.

Furthermore, no prejudice is shown to have been caused to the accused in any manner. It may be mentioned here that the law does not require that the accused be informed in writing about their right to get the search conducted in presence of a gazetted officer or a Magistrate and to record their response in black and white. It is just a practice that the Investigating Officers do so in writing just to keep the record that offer had been given to the accused and the option exercised by the accused in that respect.

Therefore, this objection lacks merit and is accordingly rejected.

(2) The appellant/accused is a native of Bihar, whereas non-consent memo Ex.PA and consent memo Ex.PB are in Punjabi and naturally the appellant/accused could not come to know about the offer of search to be conducted in presence of gazetted officer or Magistrate causing prejudice to him.

Again, I find this contention to be lacking weight. Accused may be native of Bihar but the address as given in the FIR and other documents is that of Ludhiana. As deposed by DW1 Nagina Ram, the accused had been working as a contractor with M/s Standard Motors at Ludhiana. A person living and working in Punjab for some time is

expected to be conversant with Punjabi language to the extent of understanding what had been spoken to him. Even otherwise, there is not much difference between Hindi and Punjabi language and a person knowing Hindi can certainly understand what is being spoken in Punjabi. PW2 SI Harbans Singh and PW5 DSP Gurjit Singh categorically stated regarding their having informed the accused about his right to get the search conducted in presence of a gazetted officer or a Magistrate. While being examined under Section 313 Cr.P.C., accused had not uttered even a single word that he was unable to understand with regard to the offer given to him by the IO and DSP and as regards his right to be searched in presence of a gazetted officer or a Magistrate.

Even otherwise, as observed earlier since Section 50 of the Act is not applicable to search of bag being carried by the accused, this objection is not sustainable.

(3) Seal after use was handed over ASI Dulla Singh, a police officer and not to Pawan Kumar, an independent witness, therefore the seal having remained with the police officials, there were chances of tampering with the case property.

Again I do not find myself in agreement with learned counsel for the appellant in that regard. A Single Judge of this Court dealing with this aspect in judgment **Ajaib Singh Versus State of Punjab, 1999(2) RCR(Criminal) 638** has observed that when in a case relating to recovery of poppy husk, the property was sealed but seal was not handed over to independent witness after using the same, is not fatal though it create a remote suspicion, which is very feeble. It was further observed that seal

cannot always be handed over to the independent witness because the Investigating Officer has to use it frequently and the IO cannot afford always to entrust the seal to independent witness, which is supposed to remain in his possession for days together till the case property reaches its destination.

Furthermore, as has been discussed in the earlier part of the judgment, the sample parcels and bulk parcel were sealed at the spot with two seals, one of SI Harbans Singh having inscription 'HC' and other of DSP Gurjit Singh having inscription 'GS', thereafter on reaching the Police Station, ASI Nishan Singh, the officiating SHO had put his own seal having inscription 'NS' on the parcels; thereafter on the next day, when the case property had been produced before CJM, Ludhiana, he after satisfying himself had passed order that seals on the parcels were intact. It comes out that the case property had remained in safe custody, therefore, there could not be any question of the seals having been tampered with by the police officials.

(4) No independent corroboration is there.

According to learned counsel for the appellant, the case of the prosecution is based upon the statements of official witnesses and depositions of official witnesses of recovery does not find corroboration from the statement of independent witness Pawan Kumar. The official witnesses had an interest in success of the case, therefore, in absence of independent corroboration, statement of official witnesses should not be relied upon and appellant/accused deserves to be acquitted for that very reason.

Again this contention fails to convince me. As already observed, the official witnesses of recovery, namely, PW2 ASI Harbans Singh, PW3 ASI Dulla Singh and PW5 DSP Gurjit Singh had no reason to involve the accused in this case wrongly or to depose against him to secure his conviction. Therefore, their statements are to be taken at par with the independent witness. A Single Bench of this Court in judgment **Krishan Kumar Versus State of Punjab, 2016(2) RCR(Criminal)707** had observed that testimonies of the official witnesses carry the same evidentiary value as that of any other witness and their statements cannot be discarded simply on account of their official designation.

As regards non-examination of Pawan Kumar, he was given up by learned Additional Public Prosecutor for the State for the reason as having been won over by the accused. A Division Bench of this Court in case **Sucha Singh Versus State of Punjab 2015(4) RCR (Criminal)25** when an independent witness had been joined during the search and recovery of contraband; he had appeared as a witness for the defence stating that his signatures were procured on blank papers when he had visited the police station in drunken condition, had observed that such contention was not accepted holding that it cannot be believed that numerous signatures on various papers having different written material could be signed by a witness on blank papers. The testimony of that witness was held to be unreliable and was discarded. In that very judgment, credibility of official/police witnesses was considered and it was observed that when there is no allegation of any enmity against the police officials to falsely implicate the appellants and there was no reason

for them to depose against the appellants, the trial Court had rightly concluded that non-examination of independent witness of search and recovery being won over by the accused does not raise any doubt in the prosecution case.

Even otherwise, the depositions of official witnesses are at par with that of independent witness. Furthermore, independent corroboration is a rule of prudence and not requirement of law. It is nowhere provided in any statute that independent corroboration is a must and in absence thereof, the case of the prosecution is to be rejected outrightly.

(5) Defence version not considered by the trial Court.

Learned counsel for the appellant has contended that the appellant/accused had examined a witness in defence i.e. DW1 Nagina Ram, who had stated that accused had been picked up by the police on 15.9.2002 from the factory premises of M/s Standard Motors, Ludhiana and no recovery was effected from him and as such defence version has wrongly been ignored by the trial Court.

This contention also lacks force. If scanned in entirety, statement of DW1 Nagina Ram does not come out to be convincing and worthy of reliance. In his cross-examination, he admitted that he had not submitted any written representation to the higher authorities with regard to alleged false implication of the accused in this case. Thus, he comes out to be a procured witness. In view of the overwhelming incriminating evidence adduced by the prosecution both oral as well as documentary,

the statement of DW1 Nagina Ram cannot be relied upon so as to return verdict of not guilty to the accused.

(6) The sample parcel had been sent to FSL after 9 days of recovery resultantly there could be chances of tampering with the sample parcel.

Again this contention lacks merit. The Apex Court in **Hardip Singh Versus State of Punjab, 2008(4) RCR(Criminal)97** while dealing with a case relating to recovery of 7 kgs. of opium when samples were sent to chemical examiners after 40 days of recovery, however, there was no evidence that samples were tampered with or any prejudice was caused to the accused, the delay was not held to be fatal to the case.

The aspect of delay in sending the sample to the office of Chemical Examiner was discussed in **Sucha Singh Versus State of Punjab**(supra) holding that when the samples were not sent to the office of Chemical Examiner within 72 hours, the prosecution and conviction cannot be vitiated on that ground since there was no specific provision in the Act in that regard and the instructions/standing orders in that respect were only the guidelines to regulate and control their internal working of Narcotic Control Bureau.

In this case as has been discussed in the earlier part of the judgment, the case property had remained in safe custody and the sample parcel had reached the office of Chemical Examiner, Punjab, Patiala in an intact condition. Therefore, the delay of few days in sending the sample to the office of Chemical Examiner, Punjab, Patiala is immaterial.

(7) Non-consent memo and consent memo containing

particulars of offence in running, which is a suspicious circumstance since the IO could not possibly come to know about nature of the contraband even before the bag of the accused was searched.

A perusal of such documents goes to show that in non-consent memo Ex.PA and consent memo Ex.PB on the top blanks were left with regard to FIR number, which were later filled up as 264 though the date of offence is shown to have been mentioned in running. Thus it comes out that when these memo were prepared, the IO was not aware of the FIR number, which was filled up when the official, who had taken ruqa to the police station returned along with a copy of FIR. The date of the FIR could not possibly change as FIR was to be registered on that very day, as ruqa disclosed commission of a cognizable offence and was mentioned as 17.9.2000. As regards offence under Section 20 being also mentioned in running, an experienced police officer could certainly make a guess with regard to nature of contraband observing various features peculiar to various type of narcotics and drugs and merely because the offence has been mentioned in running does not give rise to any suspicious circumstances.

Even otherwise, in **Khet Singh Versus Union of India** by the Supreme Court in Appeal (Crl.) 31 of 2000, it was observed that law on the point is very clear that even if there is any sort of procedural illegality in conducting the search and seizure, the evidence collected thereby will not become inadmissible and the Court would consider all the

circumstances and find out whether any serious prejudice had been caused to the accused. If the search and seizure was in complete defiance of the law and procedure and there was any possibility of the evidence collected likely to have been tampered with or interpolated during the course of such search or seizure, then, it could be said that the evidence is not liable to be admissible in evidence.

16. The prosecution has proved its charge against the accused conclusively and affirmatively. The accused could not render any reasonable or plausible explanation for his alleged false implication nor could he account for possession of the contraband without any licence or permit thereby showing that he was in conscious possession of such huge quantity of contraband.

In case **Krishan Kumar Versus State of Punjab**(supra), it was also held that when recovery of contraband was in the form of 35 bags containing 35 kilograms poppy husk in each bag from the possession of the appellant and his co-accused, then such a huge quantity of the contraband cannot be planted by the police from its own source, that too, just for the false implication. Under those circumstances, the conviction and sentence were upheld.

17. As regards the judgments i.e. **Jagdeep Singh @ Jaggi Versus State of Punjab, 2019(3) RCR(Criminal) 760, Upinder Parshad Yadav Versus State of Punjab, 2016(1) RCR(Criminal) 362, Ajay Malik & Ors. Versus State of U.T., Chandigarh, 2009(3) RCR(Criminal) 649** and **Varinder Singh @ Shanki Versus State of Punjab, 2022(1)RCR(Criminal) 536** referred to by learned counsel for the

appellant/accused in support of his contentions, those do not find application to the present case due to different facts and circumstances and the context in which such observations had been made.

18. As regards the sentence part, the accused/appellant was sentenced to undergo rigorous imprisonment for ten years and to pay a fine of Rs.1,00,000/- and in default thereof to undergo further simple imprisonment for a period of six months, which is the minimum prescribed sentence for possession of commercial quantity of the contraband. Although in the order of sentence, the trial Court has observed that the people like the convict supply an intoxicant to the people of the country side and play with the health of the people and it is a heinous crime, which needs to be tacked with a firm hand. However, when it came to passing sentence, the trial Court rather showed magnanimity to the accused.

19. The Apex Court in case ***Union of India Versus Kuldeep Singh, 2004(1) RCR(Criminal) 89*** has observed that an offence relating to Narcotic Drugs and Psychotropic Substances is more heinous than a culpable homicide because the latter affects only an individual while the former affects and leaves its deleterious impact on the society, besides shattering the economy of the nation as well.

20. Though keeping in view the huge quantity of the contraband recovered from the appellant which is 3 times of commercial quantity, maximum punishment which could be awarded was rigorous imprisonment for a period of 20 years and fine upto Rs.2,00,000/-, however only minimum punishment has been awarded.

Neither there is any occasion to reduce the sentence of imprisonment awarded to the appellant nor it is legally permissible to do so.

21. The impugned judgment of conviction and order of sentence passed by the trial Court are well reasoned one, based upon proper appraisal and appreciation of evidence and correct interpretation of law. There is no illegality or infirmity therein. The said judgment of conviction and order of sentence are upheld whereas the appeal is found to be without any merit and the same is dismissed accordingly.

22. Appellant Anurodh is stated to be on bail granted to him by this Court. His bail is cancelled. Chief Judicial Magistrate, Ludhiana is directed to issue arrest warrants to get him arrested so as to make him undergo the remaining sentence.

Necessary intimation be sent to the quarter concerned.

26.9.2022
Brij

(H.S.MADAAN)
JUDGE

Whether reasoned/speaking : No / Yes

Whether reportable : No / Yes