

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

270

CRM-M-9122-2020 (O&M)

Date of Decision: 22.09.2022

GURDEEP SINGH AND ANR

... Petitioners

Versus

STATE OF UT. CHANDIGARH AND ORS

... Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: None for the petitioners.

Mr. Deepinder Brar, Additional PP, UT Chandigarh.

HARNARESH SINGH GILL, J.(Oral)

Through this petition, the petitioners seeks issuance of direction to hand over the investigation of FIR No.279 dated 02.11.2019, under Section 22 of the NDPS Act and Section 25 of the Arms Act, at Police Station north, Sector-3, Chandigarh, to an independent agency or crime agency.

There is no representation on behalf of the petitioners today.

On 02.03.2020, the following order was passed:-

“Learned counsel for the petitioners submits that the son of the petitioner has been wrongly implicated in this case, rather on 2.11.2019 at 7.00 P.M., Innova vehicle of the son of the petitioner was stopped and two policemen had intentionally placed some bags in his vehicle and thus, recovery was shown. He further submits that the eye witness- Gurdeepak Singh (petitioner No. 2), who is an auto rickshaw driver, was present there and he has also moved an application before the Magistrate to record his statement to this effect but since he was not

produced by the investigating agency, his statement could not be recorded. Learned counsel also submits that the vehicle in question was in the name of Harpreet kaur, mother of the accused and even the vehicle was not released on sapurdari and she had moved an complaint/application to the Additional Sessions Judge that the police was demanding Rs. 20,000/- as bribe and ultimately the vehicle was released on 26.2.2020 and that too with the intervention of the Court since the present FIR was registered on 02.11.2019.

Learned counsel for the petitioners has further pointed out that the registration certificate as well as insurance of the vehicle in question and driving licence of the petitioner was in the car when he was stopped at the alleged naka and there is no reference in the FIR that the vehicle was without any document or the petitioner was without licence and now the documents have been misplaced by the investigating agency. Learned counsel also submits that they got have the recording to the effect that the investigating officer has admitted that the documents were with them but they are not returning the said documents.

Learned State counsel, on the instructions from SI Satish Kumar, submits that since the challan has been presented, the present petition has become infructuous.

Dismissed as having become infructuous.

22.09.2022

Aman Jain

(HARNARESH SINGH GILL)
JUDGE

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