

In the High Court of Punjab and Haryana at Chandigarh

CRM-M No. 21141 of 2022

Date of Decision: 17.5.2022

Surjit Singh

.....Petitioner

Versus

State of Punjab and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. P.S.Sekhon, Advocate for the petitioner.

Mr. Bhupender Beniwal, AAG, Punjab.

SURESHWAR THAKUR, J. (ORAL)

1. Though the weight of the apposite seizure, as was made at the crime site, from the purported conscious, and, exclusive possession of the present petitioner, is contended by the learned State counsel, to be commercial quantity thereof. Moreover, the learned State counsel also submits that the present petitioner became arrested at the crime site, and, also ensured the drawings of recovery proceedings there.

2. However, the learned counsel for the petitioner, is attempting, to falsify the arrest of the present petitioner at the crime site, and, also is attempting, to falsify the entire recovery proceedings drawn at the crime site, through his placing reliance, upon a C.D, which he submits establishes, the fact that at the relevant stage, the present petitioner was never available at the crime site, but he was lifted from his house by the police officials concerned, and, thereafter at a place other than the crime site, the recovery of the seizure, as reflected in the petition FIR, was purportedly contrived by the police officers.

Therefore, he contends that the contents of the petition FIR are completely false.

3. Though, normally this Court would not have accepted the above made argument, as truth is to be imputed to the arrest of the accused, at the crime site, and, also to the further factum of initiation, and, completion(s) of the recovery proceedings, as became drawn at the crime site by the investigating officer concerned. However, since falsification to the above, is founded upon a C.D., rather purportedly revealing, that the accused was never available at the crime site, but the relevant recovery became purportedly effected, from his conscious, and, exclusive possession, at a place other than the crime site, and/or, that it was a sheer contrivance. Therefore, when the investigations into the petition FIR are still underway, and, for ensuring that complete justice is done, besides for ensuring that there is no false implication of the present petitioner, in the petition FIR, it is deemed fit, and, appropriate to make a direction, upon the official respondents concerned, to within two weeks from today, after obtaining a certification from the author of the CD, appended as Annexure P-2 with the present petition, to ensure the makings of the examination(s) thereof, by an expert, and, thereafter to determine whether the above made argument, before this Court, by the learned counsel for the petitioner, is ridden/imbued with an aura of truth, or is a complete prevarication.

4. If the afore argument, as addressed before this Court, by the learned counsel for the petitioner, is found to be prevaricated, thereupon, it is open to the investigating officer concerned, to forthwith draw, and, file a report under Section 173 Cr.P.C., before the learned Special Judge concerned.

5. The petition is disposed of.

(SURESHWAR THAKUR)
JUDGE

May 17, 2022
Gurpreet

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