

**IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH.**

CRM-M-36195-2021(O&M)

Date of Decision:-05.05.2022

Balwinder Singh @ Binda Sarpanch.

.....Petitioner.

Versus

State of Punjab & Ors.

.....Respondents.

CORAM:- HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present:- Mr. Sanjiv Gupta, Advocate for the Petitioner.

Mr. Kirat Singh Sidhu, Deputy Advocate General, Punjab.

JASJIT SINGH BEDI, J. (ORAL)

The Prayer in this petition is for entrusting the investigation of FIR No.08 dated 22.01.2021 under Sections 15(b), 18(b), 22(c), and 25/61/85 of NDPS Act, 1985 registered at Police Station Nathana, District Bathinda to some independent agency like CBI, Crime Branch or by constituting SIT.

The brief facts of the case are that the petitioner was arrested after he was found in possession of 10Kgs of Poppy Husk, 500gms of Opium and 2000 intoxicating tablets of Alprazolam. The investigation was concluded and the report under Section 173 Cr.PC was submitted against the petitioner, pursuant to which the Trial is pending in the court of Judge Special Court, Bathinda.

The Counsel for the petitioner has placed on record a number of documents (Annexure P-1 to P-5) to show that he is sufficiently wealthy and has 15 acres of land and his two sons were living abroad. He is affiliated to Akali party and the office bearer of the Youth Akali Dal and has been falsely implicated due to political rivalry. He contends that in case a proper investigation is done it would be found that members of the police party had infact, picked him up from his house and shown his arrest from elsewhere.

For the said purposes he has referred to the tower location of the phones of the different police officials other than this nothing of any significance regarding improper investigation has been pointed out by the counsel.

I have heard learned counsel for both the parties at length.

Undoubtedly in the present case, the petitioner was arrested with commercial quantity of contraband. Investigation is complete and the case is ripe for trial. The grounds raised herein by the petitioner may be a matter of his defence and there is nothing in the present petition at this stage to suggest that the petitioner has been falsely implicated on account of political rivalry. Matters cannot be referred to the CBI on the mere asking of the accused unless something glaring regarding the manner in which the investigation has been conducted is brought to the notice of the Court.

The petitioner has a lengthy criminal record, though as per the counsel for the petitioner, proceedings in only two FIRs remain pending. However, it cannot be denied that the petitioner does have criminal antecedents.

In view of the aforesaid facts, there is no justifiable reason for which the investigation in the present case should be transferred in terms of the prayer of the petitioner, moreso, when the trial is going on. Thus finding no merit in the present petition, the same is hereby dismissed.

(JASJIT SINGH BEDI)
JUDGE

May 05, 2022

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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>