

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

126

**CRM-M-33111-2022
Date of decision: 29.07.2022**

SURINDER SINGH

.....Petitioner

VERSUS

STATE OF PUNJAB

.....Respondent

CORAM : HON'BLE MR. JUSTICE VINOD S. BHARDWAJ

Present:- Mr. Nav Chahal, Advocate
for the petitioner.

VINOD S. BHARDWAJ, J. (Oral)

The present petition has been filed under Section 482 of the Code of Criminal Procedure, 1973 (hereinafter referred to as “Cr.P.C”) seeking quashing of FIR No. 61 dated 28.04.2022 registered under Sections 21 of the Narcotics Drugs and Psychotropic Substances, Act, 1985 (hereinafter referred to as “NDPS Act”) at Police Station Sadar, Khanna, District Ludhiana Rural.

Learned counsel appearing on behalf of the petitioner makes a reference to the documents appended as Annexure P-2 and P-3 respectively to contend that the petitioner was travelling with two other persons on the date of incident and that all the three persons were in fact taken down from the bus at around 2:30/3:00 am when they reached at Khanna. He submits that after interrogation, the third person namely Pardeep Manga was allowed to leave and that an affidavit in this regard has also been given by the said persons which is appended along with the petition as Annexure P-4. He contends that a false case has thus been foisted against the petitioner.

I have heard learned counsel appearing on behalf of the petitioner.

A mere reference to the tickets and the online booking by 03 persons can only establish that the said three persons were travelling together on the date of incident. The same is not the determinant factor so far as the commission of offence under the NDPS Act is concerned or not.

Regarding the reference made to the statement/affidavit of Pardeep Manga, the same cannot be read into evidence at this stage. Such affidavit and its veracity is yet to be tested before a Court of law after evidence is led.

The petition raises disputed questions of fact which cannot be gone into by this Court in exercise of jurisdiction of Section 482 Cr.P.C.

The present petition is accordingly dismissed.

(VINOD S. BHARDWAJ)
JUDGE

JULY 29, 2022

Vishal sharma

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