

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

**CRM-M No.33147 of 2022
Date of Decision: 20.10.2022**

Darshan Singh

.....Petitioner.

Versus

State of Punjab

.....Respondent.

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Argued by:- Mr. Sunil Chadha, Senior Advocate with
Ms. Kashish Aggarwal, Advocate
for the petitioner.

Mr. Kunwarbir Singh, AAG, Punjab
for the respondent-State.

MEENAKSHI I. MEHTA, J.

Apprehending his arrest in the criminal case arisen out of the FIR bearing No.129 dated 17.06.2022 registered at Police Station City Tarn Taran, District Tarn Taran, under Sections 409, 420, 465, 466, 471 and 120-B IPC, the petitioner has preferred the instant petition for seeking the relief of pre-arrest/anticipatory bail.

2. Shorn and short of the unnecessary details, the allegations, as levelled against the petitioner in the present case, are that while he was posted as MHC at the afore-said Police Station, the case property pertaining to FIR No.213 dated 28.07.2018 registered at the said Police

Station under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, had been entrusted to him and when the same was sent to the RTFSL for its chemical analysis, it had been returned with certain objections. After his (petitioner's) transfer from Tarn Taran to Barnala, his successor ASI/LR Gurbhej Singh, inspected the record and found that the above-said case property was not available in the Police Station nor the analysis report in respect thereof had been received. When contacted in this regard, the petitioner came to the afore-said Police Station from Barnala on 04.10.2020 and handed over one analysis report to his successor. Then, Challan was prepared in connection with the above-mentioned FIR but the concerned Assistant Public Prosecutor raised the objection that the weight of the contraband, i.e the tablets, had not been mentioned in the said report. However, the subsequent correspondence with the competent authority at the concerned RTFSL revealed that the case property under reference, had not been received there for its chemical analysis and therefore, no report qua the same had been prepared. During the enquiry conducted before the registration of the subject FIR, it was found that the afore-said report as well as the signatures of the then SHO on the relevant documents regarding sending the case property to the RTFSL, had been forged by the petitioner.

3. Status-report on behalf of the respondent-State (by way of the affidavit of the Deputy Superintendent of Police, Sub-Division Tarn Taran) and the additional affidavit of the above-said officer, along-with Annexures R-1, R-2/T and R-3/T and the vernacular versions of Annexures R-2 and R-3, have already been filed.

4. I have heard learned Senior counsel for the petitioner as well as learned State counsel in the present petition and have also perused the file thoroughly.

5. Learned Senior counsel for the petitioner has referred to Annexures P-2 and P-3, GDRs No.028 and 051 dated 12.09.2018 and Annexures P-4 and P-5, GDRs No.06 and 048 dated 10.01.2019 and he has contended that these documents make it quite clear that the case property pertaining to FIR No.213 of 2018 had been sent twice to the RTFSL but it had not been received/accepted there as some objections had been raised for the same and thereafter, the petitioner was transferred from the said Police Station and had no concern with the afore-said case property but he has been falsely implicated in this case so as to protect certain other police officials from the criminal action and moreover, the version regarding the petitioner having come from Barnala to the said Police Station at Tarn Taran on 04.10.2020 to hand-over the RTFSL report to his above-named successor, is highly improbable and in these circumstances, he (petitioner) deserves the relief as prayed for in the instant petition.

6. Per contra, learned State counsel has argued that the case property had been entrusted to the petitioner after its having been returned by the RTFSL with certain objections and the petitioner had provided a forged report, i.e Annexure R-1, to his said successor (MHC) and had also interpolated and tampered with the relevant register maintained for keeping track of the case properties and keeping in view the nature of the offence committed by him, the present petition be dismissed.

7. Concededly, the petitioner was posted as the MHC at Police Station City Tarn Taran at the time of the registration of the FIR bearing No.213 of 2018, sending the case property to the RTFSL and the return thereof as well, as reflected in the GDRs Annexures P-2 to P-5. Even in his statement Annexure R-3/T, the petitioner himself has stated that he was transferred from District Tarn Taran to District Barnala on 18.12.2019, i.e after the return of the case property by the concerned RTFSL on the dates as mentioned in the said GDRs. The question qua the probability of version regarding the petitioner having come from Barnala to Police Station City Tarn Taran on 04.10.2020 to hand over the Analysis Report Annexure R-1 to his afore-named successor, can and shall be looked into and adjudicated upon by the trial Court at the appropriate stage after appreciating and evaluating the evidence that would be led on the record during the course of the trial and the same cannot be ascertained at the stage of deciding this bail petition.

8. It is also worth-while to mention here that in the report Annexure R-1, the date of the receipt of the case property at the RTFSL, Amritsar, is mentioned as 11.08.2018 whereas as per Annexures P-2 to P-5, the case property had been sent to the said Laboratory on 12.09.2018 and again, on 10.01.2019. At this stage, the petitioner has not been able to explain the above-mentioned discrepancy. Moreover, it has also been specifically deposed in Para No.3 of the afore-referred additional affidavit that the petitioner had prepared the fake FSL report and had affixed fake stamp and had also forged the signatures of the Assistant Director of the

said RTFSL thereon and also of the then SHO on certain other relevant documents as detailed therein.

9. Keeping in view the above-discussed facts and circumstances as well as the gravity of the offence as alleged to have been committed by the petitioner, this Court is of the considered opinion that he (petitioner) does not deserve the relief of anticipatory/pre-arrest bail. Resultantly, the petition in hand stands dismissed accordingly.

10. However, it is clarified that nothing contained here-in-before shall be construed to be an expression of the opinion of this Court on the merits of the case.

October 20, 2022
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>