

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

202

**CRM-M-46791 of 2019
Date of Decision:01.06.2022**

Paramjit Singh

..... Petitioner

Versus

State of Punjab and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH

Present: Mr. Digvijay Nagpal, Advocate,
for the petitioner.

Mr. Rana Harjasdeep Singh, DAG, Punjab

Mr. Dharambir Bhargav, Advocate,
for the complainant.

AMOL RATTAN SINGH, J. (ORAL)

Vide this petition, the petitioner seeks the concession of 'regular bail' under the provisions of Section 439 of the Cr.P.C., upon FIR no.110, dated 24.06.2019, having been registered at Police Station Bhogpur, District Jalandhar, alleging therein the commission of offences punishable under Sections 18, 22, 61 and 85 of the NDPS Act, 1985.

A very detailed order having been passed on 05.10.2021, thereafter an affidavit dated 23/25.11.2021 was filed by learned counsel for the State(executed by the IGP, Jalandhar Range), as recorded in the order dated 30.11.2021, with hearing in the matter having been adjourned to 19.04.2022 on a request made by counsel for the added respondent no.2.

Learned State counsel draws specific attention to paragraphs 5 and 6 of the affidavit of the IGP, wherein it is stated that the SSP, Jalandhar (Rural), had informed him that the SP (Investigation) and ASP, Adampur, were deputed to look into the matter and to submit a report on the basis of the facts reported, with the SSP having found that police officials had changed the place of recovery of the contraband as well as the time of the occurrence of the case in FIR no.110, dated 24.06.2019, i.e. the FIR in question.

Hence, in view of the seriousness of the matter, the SSP, Jalandhar (Rural) also obtained the legal opinion of the District Attorney (Legal), to the effect that the act of the delinquent police officials “falls under the provisions of” Sections 58 and 59 of the NDPS Act, 1985 and that permission be obtained from the competent court to proceed further in the aforesaid FIR.

It has next been stated by the IGP that he had watched the video footage of the 4 CCTV cameras installed inside and outside Miglani Medical Shop, with him having eventually come to the conclusion that the police officials had changed the place of occurrence/recovery of contraband and had also changed the time at which the entire proceedings took place.

It has next been stated by the IGP that it being a case for in depth investigation to arrive at a logical conclusion regarding the role of Makhan Singh, DSP, the Drug Inspector and others members of the police party, a Special Investigation Team consisting of three senior officers under the supervision of the SSP, Jalandhar (Rural), has been constituted.

Consequently, it has been stated that it was not merely a matter

disciplinary proceedings, but since it offended the very foundation of the legislation itself (the NDPS Act, 1985), FIR no.143, dated 23.11.2021 has been registered against Inspector Naresh Kumar (respondent no.2), who was the SHO, Police Station Bhogpura at that time and against the police party “as a whole”.

A copy of the FIR has also been annexed with the affidavit.

It has next been stated by the IGP in paragraph 9 of the affidavit that the matter is now under scrutiny of the competent court, with the case actually being based upon incorrect evidence.

That being so, the efforts made by the IGP are to be obviously appreciated in going to the root of the matter and taking action as he deemed best accordingly.

In view of the above, this petition is allowed and the interim order passed in favour of the petitioner, admitting him to bail even in terms of Section 37(1)(b)(ii) of the NDPS Act, 1985; made absolute.

Naturally, though it is not necessary to say so in these proceedings, however the trial court would proceed with the matter as per the evidence led before it and with respondent no.2 obviously at liberty to take his remedies as per law in respect of the FIR registered against him.

However, in view of the fact that the report of the SIT constituted to look into the role of the DSP, the Drug Inspector and others has not been brought on record so far, for that purpose, the case file be put up before this court on 08.07.2022, with the IGP, Jalandhar Range, to file another affidavit as to the status of the investigation by the SIT, and with the investigation expected to be

completely fair, not shielding anybody.

June 01, 2022
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(AMOL RATTAN SINGH)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes