

231 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CRM-M-2875-2018

Date of Decision: 09.01.2023

CHAN SINGH

... PETITIONER

VS.

STATE OF PUNJAB AND OTHERS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present : None for the petitioner.

Mr. Hittan Nehra, Additional Advocate General, Punjab.

VIVEK PURI, J.(ORAL)

The petitioner is seeking issuance of directions to respondents No. 2 and 3 to conduct enquiry in the case bearing FIR No. 244 dated 05.12.2017 under Sections 22/61/85 of the NDPS Act registered at Police Station Dharamkot, District Moga.

Reply by way of an affidavit of Ajay Raj Singh, DSP, Dharamkot, District Moga, has been placed on record on behalf of the respondents.

Learned State counsel, on the instructions from ASI Davinderjit Singh, submits that the aforesaid FIR was registered against Sukhwinder Singh @ Sukha in pursuance of recovery of 450 tablets of alprazolam and 350 tablets of tramadol. The name of Gursewak Singh, the son of the petitioner had emerged in the disclosure statement of Sukhwinder Singh, accused and, accordingly, Section 29 of the NDPS Act was also incorporated during the course of investigation. Gursewak Singh has been found to be innocent, his name has been dropped, the offence under Section 29 of the NDPS Act has been deleted and challan has been presented only against Sukhwinder Singh @ Sukha. Consequently, the present petition has become infructuous.

In view of the categorical assertion made by learned State counsel, the present petition is dismissed as having been rendered infructuous.

However, none has appeared on behalf of the petitioner. He shall be at liberty to move an application for revival of the petition within a period of three months, if the aforesaid assertion of learned State counsel is found to be factually incorrect.

09.01.2023

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(VIVEK PURI)

JUDGE

Whether speaking/reasoned

: Yes/No

Whether Reportable

: Yes/No