

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

CRM-M-52346-2018

Reserved on: 04.09.2023

Pronounced on: 12.09.2023

Prabhjot Singh @ Ripu

. . . . Petitioner

Vs.

State of Punjab and others

. . . . Respondents

CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

Present: - Mr. K.S. Dadwal, Mr. Naresh Kumar and
Mr. Sahil Koundal, Advocates, for the petitioner.

Mr. Parneet Singh Pandher, AAG, Punjab.

Mr. Rajeev Anand, Advocate, for respondent No.4-CBI.

DEEPAK GUPTA, J.

By way of this petition filed under Section 482 Cr.P.C., petitioner prays for judicial probe or investigation by some independent agency or by respondent No.3-Director Bureau of Investigation by constituting a special investigation team headed by some IPS officers not below the rank of Inspector General of Police, in case FIR No.74 dated 25.07.2018 under Section 22 of the Narcotic Drugs and Psychotropic Substances Act, 1985 [for short 'the NDPS Act'] at Police Station Balongi, District SAS Nagar, Mohali, as petitioner has been falsely framed in this case. Further prayer is made to take action against the guilty officers for involving the petitioner in this false case and for his unauthorized detention.

2. (i) According to the petitioner, he has been falsely implicated in the aforesaid case at the behest of respondent No.10 by the police officials.

Petitioner is working in Max Hospital Call Centre since 03.11.2014.

Respondent No.10 working as a Clerk with some advocate at Mohali had borrowed ₹14,000/- from the petitioner. The trouble started when petitioner asked him to return the money and the said respondent threatened him with dire consequences to involve him in false cases on account of his links with various police officials. Petitioner alleges that on 24.07.2018 at about 8.20 PM, respondent No.10 called him (petitioner) at the gate of Max Hospital for returning his money. Petitioner came out of the hospital at 8.25 PM, but was immediately apprehended by two persons. His motorcycle was snatched and the 3rd person started driving the same. Those persons brought the petitioner to Gurudwara Sahib and then took him in an i-20 car to Police Station SAS Nagar, Balongi, where subsequently he was involved in this FIR No.74 dated 25.07.2018 registered under Section 22 of the NDPS Act at about 4.27 pm.

(ii) Petitioner contends that though he was apprehended at 8.25 pm outside the Max Hospital, but police showed his apprehension at 12.20 am. FIR has been registered at 3.15 am. As per FIR, respondent No.8 had apprehension that petitioner was having some intoxicating material in the bag carried by him despite the fact that his bag was not transparent. It is further contended that at the time of registration of the case, father of the petitioner was in Canada, who came back to India on 06.08.2018. He was told by the petitioner as to how he had been falsely involved at the behest of respondent No.10 by hiring the services of police officials. Father of the petitioner then visited Max Hospital and found that petitioner was continuously attending his duties. Opposite Max Hospital there is a Gurudwara and the CCTV cameras are installed outside the Gurudwara.

Father of the petitioner collected the recording from the CCTV of

24.07.2018 from 8.25 pm to 8.35 pm, which revealed that as petitioner came out from the hospital at 8.25 pm, he was apprehended by two persons and that one car was standing in front of Gurudwara where second car stopped; that one person came out of the car and went towards the direction from where petitioner was taken by the two persons. Copy of the CD and photographs taken from the same are Annexures P2 & P3.

(iii) Still further, it is contended that petitioner is shown to have been arrested near Jujharnagar, i.e. 2 km away from the Max Hospital at 12.20 pm and the contraband tablets are shown to have been recovered from him. Although, compliance of Section 50 of NDPS Act is projected, but it was only a paper work done at Police Station, SAS Nagar, Balongi. It is also projected that respondent No.7-DSP, Circle Kharar was called by respondent No.8 on the spot and in his presence the search was conducted, but all this is alleged to be the paper work.

(iv) Father of the petitioner made complaints dated 04.09.2018 and 28.09.2018 to respondents No.2, 3 & 5. However, it is alleged that police officials, being involved in the matter, are being shielded and no action has been taken against them.

3. (i) In response to the petition, reply by way of an affidavit dated 18.12.2018 of Shri Varun Sharma, IPS, Superintendent of Police (Investigation), District SAS Nagar (Mohali) has been filed on behalf of respondents No.1 to 3, 5 and 6 along with an inquiry report (Annexure R1/T). It is alleged that false and obnoxious allegations have been leveled against the police officials to project as if innocent young persons are involved in false cases. It was found that as a matter of fact, petitioner was

apprehended with 540 tablets of Lomotil, 80 capsules of Tramadex and 10 bottles (100 ml each) of Rextas Syrup by the police party of Police Station Balongi at the time of search of bad persons on 25.07.2018 at 12.20 am. FIR was found to have been registered on the basis of true and correct facts, as per the inquiry conducted by the deponent i.e. Superintendent of Police (Investigation), District SAS Nagar.

(ii) According to reply, on 25.07.2008, Police party of Police Station, Balongi headed by respondent No.8 was patrolling the area under his jurisdiction, checking suspected persons near water tank Jujharnagar, when at about 12.20 am, one bullet motorcycle, being driven by the petitioner, was seen coming at high speed. It was signaled to be stopped with the help of torch, but petitioner tried to speed away. It was caught by the police party. Petitioner could not give satisfactory reply regarding the contents of the bag hung on his back. Petitioner was then given option to be searched before the Gazetted Officer or Magistrate. Petitioner reposed faith in Gazetted Officer and then respondent No.7 was called, who on reaching the spot also apprised him of his rights and then after getting the necessary consent, search was conducted and contraband tablets were recovered. That formed basis of FIR. After concluding the investigation, final report under Section 173 CrPC was filed before the Court of competent jurisdiction and charges have already been framed.

(ii) Reply of the respondents further states that while investigation of the case was underway, application dated 28.09.2018 (Annexure P5) was received in the office of SSP, District SAS Nagar, Mohali, from the father of the petitioner pleading his innocence. Inquiry into the said complaint was

conducted, in which father of the petitioner, namely, Dilbag Singh was associated along with others. The evidence produced by the applicant including CD (Annexure P2), photographs (Annexure P3) and the call detail records of the petitioner, respondent No.7 and the police party, who apprehended petitioner from the spot, were analysed. It is after analysing all the aforesaid data that it was found that FIR had been registered on the basis of true and correct facts and accordingly, the deponent recommended to file complaint of the father of the petitioner. Said inquiry report was thoroughly perused and considered by the SSP, District SAS Nagar, Mohali, who agreed with the same and so, the application moved by the father of the petitioner was filed. The inquiry report in this regard is Annexure R1/T. As per the inquiry report, the CD and photographs relied by the petitioner's father were perused but the allegations were not substantiated with the same.

4. Perusal of the synopsis, as placed on record by ld. counsel for the petitioner, also reveal that after filing of the challan under Section 173 CrPC, charges were framed on 07.01.2019 by the Court and even two witnesses of the prosecution were examined upto 08.02.2019.

5. Having heard ld. counsel for the petitioner and the ld. State counsel and having perused the reply of the respondent/State along with the inquiry report and considering that charges have already been framed against the petitioner after filing of the challan and the case has reached at the stage of prosecution evidence, this Court finds no reason for any judicial probe or for transferring the investigation to any other agency, as necessary inquiry into the complaint made by father of the petitioner has already been

conducted by an IPS Officer of the rank of Superintendent of Police (Investigation).

6. As such, the present petition is hereby dismissed. However, it is made clear that petitioner will be at liberty to raise the pleas, taken in this petition, during his defence evidence before the trial Court, which shall be considered in accordance with law.

(DEEPAK GUPTA)
JUDGE

12.09.2023

Vivek

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| 1. Whether speaking/reasoned? | Yes/No |
| 2. Whether reportable? | Yes/No |