

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

209-7

CRM-M-29975-2022

Date of decision: 11.04.2023

Sandeep Chugh alias Ashu

.....Petitioner

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Aditya Sanghi, Advocate
for the petitioner.

Mr. Chetan Sharma, AAG, Haryana.

MANJARI NEHRU KAUL, J. (ORAL)

1. The petitioner is seeking issuance of directions to respondent No.1 for getting FIR No.74 dated 13.04.2022 (Annexure P-1) under Section 22(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 (for short, 'the NDPS Act') registered at Police Station Jakhal, District Fatehabad, FIR No.161 dated 13.04.2022 (Annexure P-2) under Section 22(c) of the NDPS Act registered at Police Station City Tohana, District Fatehabad and FIR No.99 dated 14.04.2022 (Annexure P-3) under Section 22(c) of the NDPS Act registered at Police Station Sadar Tohana, District Fatehabad, investigated by senior police officials either outside District of Fatehabad or under the supervision of the Director General of Police, Haryana as he had been falsely implicated in those cases.

2. Learned State counsel has filed copy of call detail records of the petitioner which is taken on record subject to all just exceptions.

3. Learned counsel appearing for the petitioner has argued

that the petitioner was picked up from his home by 3-4 police men around 10:45–11:00 AM on 13.04.2022, and at that time the petitioner was empty handed. However, later on a false recovery of intoxicant tablets was shown to have been effected from him.

4. While drawing the attention of this Court to FIR No.161 dated 13.04.2022 (Annexure P-2) and the CCTV footage (Annexure P-4), learned counsel for the petitioner *inter alia* has submitted that the alleged recovery of contraband as per the FIR was effected at 03:30 PM and the FIR was subsequently registered at 04:03 PM on 13.04.2022. However, in the CCTV footage (Annexure P-4) the petitioner was clearly visible along with the police officials i.e. Major Singh (author of the FIR) and HC Vijay Kumar (a member of the raiding party) at 10:59 AM on 13.04.2022. Hence, it was evident that a false recovery of intoxicant tablets had been planted upon him.

5. Learned counsel for the petitioner has further urged that the malafides on the part of the police was writ large from the fact that the petitioner was thereafter implicated in two more cases apart from FIR No.161 dated 13.04.2022 (Annexure P-2) within a span of two days i.e. FIR No.74 dated 13.04.2022 under Section 22(c) of the NDPS Act registered at Police Station Jakhal, District Fatehabad (Annexure P-1) and FIR No.99 dated 14.04.2022 under Section 22(c) of the NDPS Act registered at Police Station Sadar Tohana, District Fatehabad (Annexure P-3). It was thus prayed that in the above circumstances, all the FIRs in question required to be investigated by senior police officials outside the District Fatehabad.

6. Per contra, learned State counsel while opposing the prayer

made by counsel opposite, has submitted that though Head Constable Vinod Kumar, ASI Major Singh and Inspector Ravish Kumar could be seen in the CCTV (Annexure P-4), however, in the said video neither the petitioner was shown to be handcuffed nor physically restrained by any of the police officials. He has contended that CCTV footage was of a thoroughfare, which was accessible to one and all, and it was not that the street only led to the house of the petitioner and nowhere else.

7. Learned State counsel has further argued that the version of the petitioner having been picked up from his house at around 10:45-11:00 AM on 13.04.2022 also stood belied from the fact that between 12:46-12:48 PM on 13.04.2022, two outgoing calls were made by the petitioner from his mobile phone. He has argued that had the petitioner been picked up by the police around 10:51 AM on 13.04.2022, as alleged, his phone would have surely been confiscated by the police, and he would not have been permitted to make any calls. Learned State counsel has also submitted that it was a matter of record that the petitioner had been in regular contact with co-accused namely Sandeep and Jagsir Singh coupled with the fact that the petitioner was a man of criminal antecedents as he was involved in three criminal cases. It has still further been argued that the grievance of the petitioner was that the police officials had allegedly picked him up from home, however, it was also a matter of record that the recovery in all the FIRs in question had been effected in the presence of Gazetted Officers i.e. SDO, Public Health Department, BEO and Naib Tehsildar and not any officer from the police department. Therefore, it could not be said that the petitioner had been falsely implicated in the case in hand.

8. I have heard learned counsel for the parties and perused the relevant material on record.

9. A representation (Annexure P-7) dated 08.06.2022 was filed by the mother of the petitioner before the Superintendent of Police, Fatehabad, who admittedly is a senior police official wherein grievance similar to the one in the instant petition had been raised. Pursuant to receipt of representation (Annexure P-7), Superintendent of Police, Fatehabad had directed the Deputy Superintendent of Police, Tohana to carry out an inquiry. The Deputy Superintendent of Police, Tohana after inquiring into the same disposed it off vide report Annexure R-1. Therefore, once a detailed inquiry has already been conducted by a senior police official, on the directions of Superintendent of Police, Fatehabad to address the grievance of the petitioner, this Court finds no ground to issue directions as sought for by the petitioner. Moreover, in case a false case has been allegedly planted upon the petitioner, he would get ample opportunity to lead evidence in support thereof, during trial.

10. Dismissed.

11.04.2023

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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