

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRR-1707-2022 (O&M)

(1) Surjit Singh Sidhu ...Petitioner
Versus
State of Punjab ...Respondent

(2) CWP-3782-2022 (O&M)
Surjit Singh Sidhu ...Petitioner
Versus
State of Punjab and others ...Respondents

(3) CRM-M-38043-2021 (O&M)
Surjit Singh ...Petitioner
Versus
State of Punjab ...Respondent

Date of Decision:- 24.5.2023

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Ranjan Lakhanpal, Advocate for the petitioner (s).
Mr. Luvinder Sofat, DAG, Punjab.
assisted by ASI Balkaran Singh.

FIR NO.	DATE	POLICE STATION	OFFENCES
344	13.7.2020	City Barnala, District Barnala	Sections 22(c), 25, 29,61/85 of the NDPS Act, Sections 7, 13 of the Prevention of Corruption Act and Sections 465, 467, 468, 471/120-B IPC

GURVINDER SINGH GILL, J.

1. This order shall dispose off the following three petitions filed on behalf of Surjit Singh in a case arising out of above mentioned FIR, as the reliefs sought therein are such that all three can be taken up together :
 - (i) CRR-1707-2022 - Petitioner seeks quashing of order dated 22.11.2021 vide which the trial Court has framed charges against the accused/petitioner for offence under Section 7 of the Prevention of Corruption Act.
 - (ii) CWP-3782-2022 - Petitioner has sought directions to the official respondents to hold an independent inquiry in the matter pertaining to the aforesaid FIR.
 - (iii) CRM-M-38043-2021 - The prayer made by the petitioner is for quashing of the aforesaid FIR.
2. The FIR in the instant case was initially registered against co-accused Palo Kaur on the basis of receipt of secret information to the effect that she procures intoxicant tablets from outside and sells the same and that on the given day she was present near Kala Mehar Stadium, Barnala, for the purpose of selling intoxicating tablets. Pursuant to receipt of said information, aforesaid Palo Kaur was apprehended by the police and from whose possession 580 intoxicant tablets of 'Clovidol-100 SR' were recovered.
3. The details of investigation have been stated in reply filed by State in CRM-M-38043-2021. It is the case of prosecution that during the course of interrogation on 14.7.2020 of co-accused Palo Kaur, she nominated Gaurav

Aggarwal and Dharendra Singh Rathore as the persons who were associated with her in business of drugs. Said two persons were arrested on 14.7.2020 and from whose possession also intoxicant vials and capsules were recovered, apart from drug money.

4. Dharendra Singh Rathore also got recovered another 5,70,000 tablets of '*Alprsafe*' and 7500 vials of '*Leagesic*' from the Godown of Prince Delivery Agency, Mau Gate, Niklson Road, Delhi.
5. Gaurav Aggarwal also got recovered 1,08,000 tablets of '*Alprazolam*' from PTC Prince Transport, Bailany (Agra). On 20.7.2020 Raghu Raja, Vikas Mangal and Kapil Arora were nominated as accused. Raghu Raja was arrested and who got recovered 50,000 tablets of '*Clovidol 100-SR*' and 40,000 tablets of '*Alprazolam*' apart from drug money to the tune of Rs.48,58,800/- on 21.7.2020.
6. On 22.7.2020, Vikas Mangal was arrested and Harish Bhatia @ Raju Sachdeva, Gaurav Arora and Krishan Kumar Arora were nominated as accused. On 23.7.2020 Vikas Mangal pursuant to his disclosure statement got recovered 10,000 intoxicant tablets, 24,000 intoxicant capsules and drug money to the tune of Rs.11,75,000/-.
7. Harish Bhatia @ Raju Sachdeva was also arrested and pursuant to his disclosure statement made on 28.7.2020, he led to recovery of 4,000 intoxicant vials and 4,000 clean kits from Anu Road Carrier Transport Delhi.
8. On 22.9.2020, Gaurav Kumar Arora son of Krishan Kumar Arora and Jatinder Kumar Arora son of Ramesh Kumar Arora were arrested. On 13.10.2020, Krishan Kumar Arora pursuant to his disclosure statement got

recovered a laptop from his office in Pritampur Mohalla, New Delhi and upon interrogation of Krishan Kumar Arora, Gaurav Kumar Arora and Jitender Kumar, the present petitioner Surjit Singh was nominated as accused.

9. The petitioner S.I. Surjit Singh was arrested on 18.10.2020 by Shri Ramninder Singh Deol, Deputy Superintendent of Police, Barnala who was heading the police party. It is alleged that during the course of investigation, the petitioner suffered a disclosure statement on 21.10.2020 under Section 27 of the Evidence Act and in pursuance thereto got recovered an amount of Rs. 2 lacs from garage situated on the rear side of his residence.
10. It is the case of prosecution that the petitioner conspired with Krishan Arora and Gaurav Arora, owners of Neutec Healthcare Ltd. New Delhi who had been selling intoxicant tablets illegally in Punjab and that the petitioner had been extending protection to them from their arrest. It is alleged that when one of their parnters namely Harish Bhatia was arrested, aforesaid Krishan Arora and Gaurav Arora approached the petitioner for hushing up the matter and whereupon the petitioner demanded an amount of Rs. 25 lacs for the same and out of which he had already received an amount of Rs. 5 lacs from co-accused Jitendar Arora in the presence of PWs Krishan Kumar son of Parsottam Dass and Gaurav Sethi son of Basant Sethi. It is further the case of prosecution that the statements of the aforesaid two witnesses namely Krishan Kumar son of Parsottam Dass and Gaurav Sethi son of Basant Sethi had been recorded in terms of Section 161 Cr.P.C. and had also been recorded in terms of Section 164 Cr.P.C.

11. The learned counsel for the petitioner while assailing the FIR, investigation as well as proceedings pending before the trial Court including framing of charges against the petitioner had broadly made the following submissions :-
- (i) that the petitioner has been falsely implicated on account of professional jealousy and rivalry between the petitioner and DSP Ramninder Singh Deol, both of whom had been recruited together as ASIs in 'Sports Category' and wherein the petitioner was ranked senior to aforesaid Ramninder Singh Deol but subsequently, Ramninder Singh Deol was promoted as DSP by superseding the petitioner and on account of which the petitioner had filed a Civil Writ Petition in this Court i.e. CWP No.37605 of 2018;
 - (ii) that DSP Ramninder Singh Deol is the Investigating Officer in the present case and has partly investigated the case and apparently the implication of the petitioner in the present case is an all out effort on his part to pressurize the petitioner to withdraw the writ petition or to paint the petitioner in such a bad picture so that he is in no way able to stake his claim for promotion and seniority above DSP Ramninder Singh Deol;
 - (iii) that the case against the petitioner is based solely on the basis of a disclosure statement and the alleged recovery of Rs. 2 lacs would not carry much evidentiary value in the absence of any other corroborative substantive evidence;
 - (iv) that the prosecution witnesses Krishan Kumar son of Parsottam Dass and Gaurav Sethi son of Basant Sethi, whose statements under Section

161 Cr.P.C. have been annexed with the reply filed by the State as Annexure R-1 and Annexure R-2 in CRM-M-38043-2021 have falsely been projected as eye-witnesses against the petitioner as regards the factum of demand and payment of an amount of Rs. 5 lacs by them to the petitioner and that the zeal of the prosecution to ensure that petitioner is sent behind bars can be gauged from the fact that the prosecution had even chosen to record their statements under Section 164 Cr.P.C., though such statements are hardly seen to be recorded in cases under NDPS Act;

(iv) that as a matter of fact the petitioner during his service career had been extremely active in the drive against drugs and to catch drug traffickers, particularly the big fish and in this regard had even raided the factory premises at Narela Delhi, which was being managed by Krishan Arora and his son Gaurav Arora in the year 2019 and which irked and annoyed Krishan Arora and Gaurav Arora and their associates and who have now, on the asking of DSP Ramninder Singh Deol, falsely nominated the petitioner as an accused in return for some favours to be extended to them by DSP Ramninder Singh Deol.

12. Learned counsel for the petitioner has, thus, submitted that the entire investigation in the present case as far as the petitioner is concerned is motivated, tainted and is an attempt on part of a colleague of the petitioner to get him downgraded and tainted so that the petitioner is unable to stake his claim of seniority over his colleague i.e. DSP Ramninder Singh Deol who happens to be the Investigating Officer and against whom a Civil Writ Petition had been instituted by the petitioner.

13. Opposing the petition, the learned State counsel submitted that having regard to the quantum of recoveries effected from various accused in the present case and also the huge amount of drug money recovered from accused it cannot be said that it is a case of false implication. It has further been submitted that a drug trafficking racket of this magnitude could not have been carried on without the connivance of some police officials and that there is ample evidence in the shape of disclosure statement of Gaurav Arora coupled with the factum of recovery of Rs.2 lacs at the instance of the petitioner himself to substantiate the allegations levelled against the petitioner.
14. The learned State counsel has submitted that the entire investigation was not conducted by DSP Ramninder Singh Deol and that it is a part of investigation which was conducted by DSP Ramninder Singh Deol. It has further been submitted that there is nothing on record to show that the investigation is tainted so as to justify any re-investigation.
15. The learned State counsel has submitted that it was only after thorough investigation of the matter that a challan was presented against the accused and pursuant thereto the trial Court upon considering all the relevant facts and circumstances and the evidence collected by the investigating agency chose to frame charges against the accused. It has been submitted that since, as on date, as many as 42 out of the cited 100 prosecution witnesses have already been examined, there would be no justification for quashing of FIR at this stage and that the contentions being raised by the petitioner before this Court can be better taken care of by the trial Court in context of the evidence led before it.

16. This Court has considered rival submissions addressed before this Court.
17. Admittedly, the petitioner has been nominated on the basis of disclosure statement of co-accused. The petitioner has raised serious allegations as regards fairness of investigation. The investigating officer, DSP Ramninder Singh Deol, with whom the petitioner claims to be having seniority dispute inasmuch as the petitioner claims that he as well as DSP Ramninder Singh Deol were both recruited as ASIs in 'Sports Quota' and although the petitioner was ranked senior to ASI Ramninder Singh Deol in seniority having secured more marks than him but Ramninder Singh Deol had been promoted as DSP by superseding the petitioner and in respect of which the petitioner had filed a writ petition in this Court. Said DSP Ramninder Singh Deol is not only posted in the same District but happens to be Investigating Officer in the present case who had conducted part of the investigation. In such circumstances, it is the duty of the Court to remain extra-cautious so as to rule out false implication. In the present case, however, not only the investigation stands concluded but as many as 42 PWs have also been examined. This Court in exercise of powers under Section 482 Cr.P.C. is not to examine the evidence at this stage particularly when the trial is still pending. Several witnesses are yet to be examined by prosecution to substantiate its case and discussing credibility of case of prosecution at this intermediate stage may cast unwarranted aspersions, which should be avoided. The accused including petitioner will get fair opportunity to lead evidence to demolish case of prosecution. It is the trial Court which would be in a better position to comment about credibility of witnesses having regard to all such evidence as may be led before it. As such, having regard

to the aforestated facts and circumstances, particularly the fact that as on date 42 out of the cited 100 prosecution witnesses have already been examined, this Court does not find any ground for accepting either of the three petitions so as either to order any re-investigation or to set aside framing of charges or to quash the FIR.

18. All the three petitions, as such, are dismissed. However, having regard to the factual position as discussed above, the trial Court is directed to minutely scrutinize the evidence at the time of final decision and to consider all the contentions as may be raised on behalf of the petitioner including the contentions, as have been noted above, particularly as regards the involvement of the petitioner since the petitioner claims that there is professional jealousy between him and the investigating officer DSP Ramninder Singh Deol, and that it is on said count that he has been falsely implicated.
19. A copy of this order be conveyed to the trial Court for necessary information and compliance.
20. A photocopy of this order be placed on the file of connected cases.

24.5.2023
kamal

(Gurvinder Singh Gill)
Judge

Whether speaking /reasoned	Yes / No
Whether Reportable	Yes / No