

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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CRM-M-10070-2022  
Date of Decision : March 05, 2024

GURJANT SINGH -PETITIONER

V/S

STATE OF PUNJAB -RESPONDENT

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vipul Jindal, Advocate  
for the petitioner.  
  
Mr. Pardeep Bajaj, D.A.G., Punjab.

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KULDEEP TIWARI, J. (ORAL)

- Through the instant petition, as instituted under Section 407 of the Cr.P.C., read with Section 482 of the Cr.P.C., the petitioner seeks transfer of case file relating to FIR No.26 dated 23.04.2019, under Section 21/29 of the N.D.P.S. Act, 1985, registered at P.S. Special Task Force, District STF Wing, from the Court of learned Special Judge, S.A.S. Nagar, to the Court of learned Special Judge, Tarn Taran.
- The learned counsel for the petitioner, in his asking for the relief (supra), has placed reliance upon the Notification dated 26.05.2017, as issued by the Department of Home Affairs and Justice, Government of Punjab, wherethrough, a declaration has been made *qua* creation of a new Police Station, namely, Special Task Force Police Station, for the whole of the State of Punjab, which shall perform its functions from the Punjab State Crime Police Station, S.A.S. Nagar. The relevant extract of the Notification (supra) is reproduced hereinafter:-

*“In pursuance of the provisions of clause (s) of Section 2 of the Code of Criminal Procedure, 1973 (Central Act No.2 of 1974), and the other powers enabling him in this behalf, the Governor of Punjab is pleased to declare a new police station to be known as the Special Task Force Police Station for the whole of the State of Punjab, which shall perform its functions from the Punjab State Crime Police Station, Sahibzada Ajit Singh Nagar.”*

3. Accordingly, in the instant case, though the alleged recovery, which led to registration of the FIR (supra), was effected within the territorial jurisdiction of learned Sessions Judge, Tarn Taran, however, by dint of the Notification (supra), the FIR (supra) has been registered against the petitioner at P.S. Special Task Force, District STF Wing.

4. Subsequent to issuance of the Notification (supra), the Department of Home Affairs and Justice, Government of Punjab, issued another Notification dated 25.03.2019, whereby, all the Special Courts constituted under the N.D.P.S. Act and presently functioning in the State of Punjab, have been declared to be jurisdictional courts for the Special Task Force Police Station, S.A.S. Nagar. The relevant extract of this Notification is reproduced hereinafter:-

*“...In exercise of the powers conferred by sub-section (1) of section 36 of the Narcotics Drugs and Psychotropic Substances Act, 1985 (Central Act No.61 of 1985) and all others powers enabling him in this behalf, the Governor of Punjab with the concurrence of Hon’ble Chief Justice of Punjab and Haryana High Court, is pleased to declare all the Special Courts constituted under the aforesaid Act vide the Government of Punjab, Department of Home Affairs and Justice, Notification No. S.O. 86/C.A.61/1985/S.36/2012, dated 30<sup>th</sup> September, 2012 presently functioning in the State of Punjab, to be jurisdictional courts for the Special Task Force Police Station, SAS Nagar, Declared as such vide the Government of Punjab, Department of*

*Home Affairs and Justice, Notification No.S.O. 9/C.A.2/1974/S.2/2017, dated 26<sup>th</sup> May 2017...*”

5. Consequent upon issuance of notice in the instant petition, affidavit of Gurkirat Kirpal Singh, IAS, Home Secretary, Punjab Government, Chandigarh, has been filed before this Court, which makes revelations that the averments made by the learned counsel for the petitioner have not been disputed therein. Moreover, the affidavit (supra) also reveals that, despite publication of Notification dated 25.03.2019 in the Official Gazettee on 29.03.2019, Final Reports in few cases were already submitted before the learned Courts at S.A.S. Nagar, being jurisdictional courts of P.S. Special Task Force. The relevant extract of the affidavit (supra) is reproduced hereinafter:-

*“3. That it is humbly submitted that on receipt of copy of the above noted order of this Hon’ble Court, the answering deponent immediately discussed the facts with the AIG, STF, Ludhiana Range and after verifying the facts, the said AIG has reported that the Notification dated 25.03.2019 Annexure P-6 regarding declaration of all the Special Courts to be the Jurisdictional Courts, was published in the Official Gazette on 29.03.2019. Thereafter, the said Notification Annexure P-6 was forwarded by ADGP-STF-Punjab vide Memo No.1927-61/R/IGP/STF/Enforcement-2 dated 18.04.2019 to SSPs/Police Commissioners. However, during this period and thereafter for some time, Challans/Final Reports of few cases were submitted before Mohali Courts being jurisdictional Courts of Police Station STF, SAS Nagar...”*

6. Not only this, the affidavit (supra) also makes disclosure that, at present trial of seven cases, including the present FIR, whose territorial jurisdiction lies outside the Courts at S.A.S. Nagar, is pending before the Courts at S.A.S. Nagar.

7. A perusal of the Notification(s) (*supra*) and the record available before this Court makes it abundantly clear that now, for all intents and purposes, especially in view of Section 177 of the Cr.P.C., the territorial jurisdiction *qua* the present FIR lies with the learned Special Court at Tarn Taran. Consequently, the instant petition is **allowed**.

8. The learned Special Judge, S.A.S. Nagar, is directed to forthwith, through the learned Sessions Judge, S.A.S. Nagar, transfer the complete case file relating to the present FIR, in its original form, to the learned Special Judge, Tarn Taran for adjudication, by resuming the proceedings from where it gets transferred.

9. Furthermore, the respondent-State is also at liberty to file appropriate application(s) before the learned Special Judge, S.A.S. Nagar, thereby making intimation and awareness *qua* the Notifications (*supra*), and, enabling the latter to transfer to the competent Courts concerned the case files relating to other FIRs, which though are pending before it, but whose territorial jurisdiction lies outside the Courts at S.A.S. Nagar.

March 05, 2024  
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(KULDEEP TIWARI)  
JUDGE

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|---------------------------|---|--------|
| Whether speaking/reasoned | : | Yes/No |
| Whether Reportable        | : | Yes/No |