



112

THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No.22592 of 2024
Date of Decision: 06.08.2024

Sunderpal Singh
..... Petitioner

Versus

State of Punjab and others
..... Respondents

CORAM : HON'BLE MR. JUSTICE RAJESH BHARDWAJ

Present: Mr. Lupil Gupta, Advocate and
Mr. Nitish Sharma, Advocate
for the petitioner.

RAJESH BHARDWAJ, J. (ORAL)

1. Instant petition has been filed under Section 482 Cr.P.C. for ordering the setting up of SIT to investigate in a time bound manner under a Court monitored mechanism of the registration of false FIR No.60, dated 11.04.2024, under Section 21 of NDPS Act, 1985, Police Station Guruharsahai, District Ferozepur, Annexure P-1 against the petitioner and to submit the report within some short stipulated period.
2. As per facts of the case, the police party on receiving the secret information about the petitioner laid the barricade and thereafter the petitioner was apprehended and 450+70=520 tablets of Tramadol Hydrochloride were recovered from him. As he failed to produce any



licence regarding possession of the same, the FIR was registered and the petitioner was arrested in this case.

3. Learned counsel for the petitioner has contended that the petitioner is a young boy, who is a student of B.Sc Agriculture. He has submitted that the petitioner has been falsely implicated in this case under the political pressure. He submits that no photography or videography of the recovered articles at the site was conducted. He has submitted that on the basis of false and fabricated story, the petitioner has been falsely implicated in this case. He submits that the petitioner was arrested by the police and thereafter on account of his examination, he was granted interim bail. He has submitted that since the petitioner was illegally arrested in this case and the investigation would not be conducted in a free and fair manner and hence, the SIT be constituted for investigating the case in a time bound manner. Learned counsel for the petitioner has relied upon the judgment passed by the Hon'ble Supreme Court in "*R. S. Sodhi vs. State of U.P. and others*", AIR 1994 SC38 and by this Court in "*CBI vs. Kishore Singh*", 2010 (4) RCR (Criminal) 795.

4. Notice of motion.

5. On asking of the Court, Mr. Tarun Aggarwal, Sr. DAG, Punjab appears and accepts notice on behalf of the respondents-State. He has opposed the submissions made by learned counsel for the petitioner. He however at the outset has submitted that the allegations made by learned counsel for the petitioner are totally misconceived. He has submitted that the investigation has been carried out by the Investigating



Agencies in a free and fair manner and on completion of the same, the charge sheet under Section 173 Cr.P.C. has already been filed before the trial Court. He has submitted that after filing of the charge sheet, the learned trial Court has also framed the charges against the petitioner and now the case is fixed for recording of the evidence. He submits that the learned trial Court has already taken the cognizance of the offence on the basis of charge sheet filed by the Investigating Agencies and except the over all assertions, the petitioner has failed to produce anything on record to justify his contentions. He thus submits that there being no merit in the present petition, the same deserves to be dismissed.

6. Heard.

7. On hearing learned counsel for the parties and perusing the record, it is apparent that the petitioner was arrested in the present case on the basis of secret information received about him. As per the case of prosecution, on his search, 450+70=520 tablets of Tramadol Hydrochloride were recovered from him. The investigation of the case as submitted by learned counsel for the petitioner is already complete. The charge sheet has been filed under Section 173 Cr.P.C. and thereafter the trial Court has framed the charges as well and thus, the cognizance has already been taken by the trial Court and now the case as per the submissions made is fixed for the recording of the evidence. In all its humility, there is no dispute regarding the law settled by the Hon'ble Supreme Court in the judgments relied upon by learned counsel for the petitioner, however in the facts and circumstances of the case, the same

are distinguishable. The contentions raised by learned counsel for the petitioner are totally a matter of disputed question of facts which can be appreciated by the trial Court on weighing the evidence led by both the sides.

8. Thus, this Court does not find any merit in the present petition for constituting the SIT as prayed for in the present petition, and hence the same is hereby dismissed. However the Court has not given any opinion on the merits of the case. The petitioner would be at liberty to raise all his contentions before the trial Court at the appropriate stage in accordance with law.

06.08.2024
rittu

(RAJESH BHARDWAJ)
JUDGE

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