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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRR-1766-2021

Date of decision: 15.10.2024

Jarnail Singh

....Petitioner

Versus

State of Punjab

....Respondent

CORAM: HON'BLE MRS. JUSTICE **AMARJOT BHATTI**

Present: Mr. P.S. Ahluwalia, Advocate and
Ms. Rishu Bajaj, Advocate
for the petitioner.

Mr. Neeraj Madaan, Senior DAG, Punjab.

AMARJOT BHATTI, J.

Petitioner-Jarnail Singh filed criminal revision petition against impugned order dated 13.10.2021 whereby charge has been framed against the petitioner under Section 22 of NDPS Act, 1985 in FIR No.211 dated 03.06.2020 under Sections 21 and 22 of NDPS Act, 1985, registered at Police Station Sadar Dhuri, District Sangrur.

2. As per facts narrated in FIR No.211 dated 03.06.2020, on 02.06.2020 during the course of investigation in FIR No.210 dated 02.06.2020 under Sections 25, 54 and 59 Arms Act Police Station Sadar Dhuri, ASI Gian Singh noticed intoxicant tablets and powder in Verna car colour white, bearing registration No.PB-10-ET-7887. Intimation was given to Inspector Satnam Singh, CIA and investigation was taken over by him. From plastic bag lying under the seat of driver of aforesaid car, 1000 loose intoxicant tablets, 7 strips each containing 10 tablets, total 70 tablets of Jentadol 100-SR and intoxicant powder of 68 grams along with plastic bag



were recovered. On the basis of this recovery, FIR was registered.

3. Learned counsel for petitioner argued that perusal of FIR (Annexure P-1) clearly shows that when petitioner was confronted with said recovery, he categorically stated that drugs were planted in his vehicle by one Sansar Singh in connivance with Charanjit Kaur alias Preeti Maan, as he had to recover Rs.42 lacs from Sansar Singh. After investigation in detail by Superintendent of Police, Bureau of Investigation, Sangrur, it was concluded that false recovery was planted in the vehicle of petitioner at the instance of Sansar Singh and Charanjit Kaur alias Preeti Maan. Detailed inquiry report is Annexure P-3. Said report was accepted by Senior Superintendent of Police and application for discharge was filed. Said application was rejected by trial Court and consequently, challan (Annexure P-4) was presented for the offences under Sections 21 and 22 of NDPS Act, 1985. Later on, supplementary challan (Annexure P-5) was presented qua Sansar Singh and Charanjit Kaur alias Preeti Maan. Learned trial Court firstly framed charge sheet under Section 22 of NDPS Act alongwith Section 29 of NDPS Act against Sansar Singh and Charanjit Kaur alias Preeti Maan for planting contraband in car No. PB-10-ET-7887 in possession of Shingara Singh. They were also charge sheeted for deemed possession of contraband under Section 22 of NDPS Act. At the same time, present petitioner along with Shingara Singh was also charge sheeted for having been in conscious possession of aforesaid contraband under Section 22 of NDPS Act. Certified copy of charge sheet is placed on record along with impugned order dated 13.10.2021. It was incumbent upon the trial Court to accept one version and then to frame charge sheet accordingly. Present petitioner Jarnail Singh along with Shingara Singh cannot be charge sheeted for having been in conscious possession of



Preeti Maan were also charge sheeted with the same set of allegations. Joint trial of aforesaid accused persons is not possible within the framework of Cr.P.C. In fact, present petitioner was found innocent by the investigating agency and he was given a clean chit. Learned trial Court wrongly framed charge against petitioner by passing impugned order dated 13.10.2021 and the same is not sustainable in the eyes of law, therefore, same be set aside by accepting present criminal revision.

4. On the other hand, learned counsel representing State opposed present criminal revision. Status report has been filed confirming the factual position. It is confirmed that after a thorough inquiry conducted by Superintendent of Police, present petitioner along with Shingara Singh were found to be innocent and request was submitted before Learned Special Court at Sangrur for their discharge. Said application was declined and accordingly challan was presented against them before the Competent Court on 27.11.2020. It is also confirmed that supplementary challan was prepared against Charanjit Kaur alias Preeti Maan and Sansar Singh and it was presented in the Court on 21.09.2021. Without disputing the aforesaid factual position, it is pointed out that order and direction of this Court will be duly complied with.

5. I have considered the aforesaid factual position and have gone through the documents annexed with criminal revision petition with the able assistance of learned counsel for petitioner.

Initially, FIR No.210 dated 03.06.2020 under Section 25 of Arms Act (Annexure P-6) was registered against Jarnail Singh and Shingara Singh on the investigation of ASI Gian Singh, on recovery of .32 bore revolver. It is matter of record that after inquiry, cancellation report was



National Lok Adalat vide order dated 11.12.2021, (Annexure P-7). During the course of search of said Verna car No. PB-10-ET-7887, a plastic carry bag containing intoxicant tablets and powder was noticed, on this investigation in this case was handed-over by ASI Gian Singh to Inspector Satnam Singh of CIA Bhadur Singh Wala. As per the search conducted by him plastic carry bag containing 1000 loose intoxicant tablets, 7 strips each containing 10 tablets, Total 70 tablets of Jentadol 100-SR and intoxicant powder of 68 grams were recovered, accordingly FIR No.211 dated 03.06.2020 was registered under Sections 21 and 22 of NDPS Act Police Station Sadar Dhuri (Annexure P-1).

6. At this stage, present petitioner took the stand that aforesaid contraband were planted by Sansar Singh in connivance with Charanjit Kaur alias Preeti Maan as he was to recover Rs.42 lacs from Sansar Singh. Detailed inquiry report of Superintendent of Police, Bureau of Investigation, Sangrur dated 23.06.2020 is Annexure P-3. Application for discharge of Jarnail Singh and Sansar Singh was filed but same was declined by Judge, Special Court, as a result, challan report under Section 173 Cr.P.C. was filed, which is Annexure P-4. Later on, supplementary challan qua Sansar Singh and Charanjit Kaur @ Preeti Maan was presented, which is Annexure P-5. At this stage, learned trial Court by passing impugned order dated 13.10.2021 framed charge sheet against Jarnail Singh and Shingara Singh on the one hand for having been in conscious possession of aforesaid contraband and on the other hand framed charge sheet against Sansar Singh and Charanjit Kaur alias Preeti Maan for planting contraband in the car of present petitioner and also having deemed possession of contraband.

There are two sets of allegations in the case in hand which are

antithesis to each other. Without considering this aspect, learned trial Court



by passing impugned order dated 13.10.2021 framed common charge sheet against all the accused including the present petitioner. To prove the allegations against Jarnail Singh and Shingara Singh, there is different set of witnesses required to be examined to prove the charge sheet and they have specific defence. Regarding supplementary challan presented against Sansar Singh and Charanjit Kaur alias Preeti Maan different set of witnesses are required to be examined. Common charge sheet framed by the trial Court is not justified.

7. Considering the aforesaid factual position, impugned order dated 13.10.2021 is not on sound footing and same is accordingly set aside by accepting criminal revision petition. In the light of this, case is remanded back to trial Court for passing fresh order.

8. The present revision petition is accordingly disposed of.

(AMARJOT BHATTI)
JUDGE

15.10.2024
monika

- 1. Whether speaking/ reasoned : Yes /No
- 2. Whether reportable : Yes /No