



CRM-M-33699-2018

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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

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CRM-M-33699-2018

Date of decision: 29.07.2025

VIMAL KUMAR

....Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

Present : Mr. Lalit Attri, Advocate for the petitioner.

Mr. Manjinder Singh Bhullar, DAG, Punjab.

SANJAY VASHISTH. J.(Oral)

1. Present petition under Section 482 Cr.P.C has been filed for quashing of FIR No.0068 dated 29.05.2016, under Sections 22/61/85 of NDPS Act, 1985, registered at Police Station Kapurthala, as well as for quashing of the order dated 12.04.2018 (Annexure P-6) passed by the Court of learned Additional District and Sessions Judge, Kapurthala.

2. In the instant quashing petition, on 11.10.2018, following order was passed:-

“This petition has been filed seeking quashing of FIR No.68 dated 29.5.2016, Police Station Sadar Kapurthala under Sections 22/61/85 NDPS Act and quashing of order dated 12.4.2018, passed by the Court of learned Additional District and Sessions Judge, Kapurthala.

Learned counsel for the petitioner submits that in the present case the recovery has been effected by a police officer who was officiating as Assistant Sub Inspector and was holding the substantive Rank of Head Constable only and that the investigation thereafter was also conducted by him. Learned counsel in this context refers to letter dated 21.7.2016 (Annexure P-5) whereby Head Constable have



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been deputed to undergo Intermediate School Course which is a mandatory requirement for being promoted as Assistant Sub Inspector and wherein the name of recovery officer Head Constable Kewal Singh figures at Sr. No.21. It has thus been contended that since the investigation has been conducted by an officer who was not empowered to conduct the same, therefore, the entire investigation stands vitiated. Learned counsel cites Bikkar Singh Vs. State of Punjab 2006(3) RCR (Criminal) 16 P&H submissions. to hammer forth his aforesaid submissions.

Notice of motion for 6.3.2019.

Meanwhile, proceedings pending before the trial Court shall remain stayed. “

3. Today, at the very outset, counsel for the petitioner informs that after completion of trial, petitioner has already been acquitted by the learned trial Court and in view of this, present petition be disposed of, as same having been rendered infructuous.

4. Ordered accordingly.

(SANJAY VASHISTH)
JUDGE

29.07.2025
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Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No