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**IN THE HIGH COURT FOR THE STATES OF PUNJAB AND
HARYANA AT CHANDIGARH**

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CRM-M-33106-2025 (O&M)

Date of decision: 08.07.2025

Rakesh Gupta**...Petitioner****Versus****State of Punjab and others****...Respondents****CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA**

Present:- Ms. Kamaldeep Kaur, Advocate
for the petitioner.

Ms. Himani Arora, AAG, Punjab.

MANISHA BATRA, J. (Oral)

1. The instant petition has been filed by the petitioner under Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023 seeking transfer of investigation of FIR No. 56 dated 04.04.2025, registered under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 (*for short 'NDPS Act'*) at Police Station City-2, Khanna to an independent investigating agency or to some senior police officer.

2. Learned counsel for the petitioner has submitted that he has been falsely implicated in this case. He is the resident of District Sonipat, Haryana and while effecting his arrest, the proper procedure as laid down in law was not followed. Several representations have been made to the Senior Superintendent of Police, Khanna seeking fair investigation in the matter but no action has been taken so far. The petitioner is suffering from multiple chronic and serious health conditions. Hence, the present petition

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deserves to be allowed and the investigation of the aforementioned FIR be either transferred to an independent investigating agency or to some senior police officer.

3. Notice of motion.

4. Ms. Himani Arora, AAG, Punjab, who has advance notice of the petition and is ready to argue the matter, has submitted that one Ajmer Singh was apprehended by a police party on 04.04.2025 and recovery of 1200 intoxicating tablets of *Lomotil* was effected from him. The petitioner has been named and arrested in this case in pursuance of the disclosure statement suffered by co-accused Ajmer Singh. While effecting his arrest, proper procedure was followed and the investigation in the case is being conducted in a proper, fair and impartial manner. While submitting that the petition is based on false and frivolous allegations, its outright dismissal is prayed for.

5. I have heard learned counsel for the parties at considerable length and have also gone through the record carefully.

6. A perusal of the record reveals that the aforementioned FIR has been registered on 04.04.2025 as co-accused Ajmer Singh was found to be in possession of 1200 intoxicating tablets. The petitioner has been nominated in this case on the basis of his disclosure statement. Subsequently, his arrest was effected by the police concerned. A perusal of the entire petition, nowhere reveals as to how the investigation being conducted by the police is unfair, biased or prejudiced, which calls for transfer of the investigation. The petitioner has placed on record photocopies of some medical records. However, medical condition of an

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accused cannot be made a ground to seek transfer of investigation.
Accordingly, finding no merit in the petition, the same is hereby dismissed,
without any prejudice to his right of defence.

08.07.2025

Waseem Ansari

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No