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

**CRM-M-45878-2016
Date of Decision: 16.09.2025**

SURINDER PAL

... Petitioner

Versus

STATE OF PUNJAB

...Respondent

CORAM: HON'BLE MR. JUSTICE JASJIT SINGH BEDI

Present: Mr. Ashok Giri, Advocate
for the petitioner.

Mr. Harkanwar Jeet Singh, Asstt. A.G., Punjab.

JASJIT SINGH BEDI, J.

The prayer in the present petition under Section 482 Cr.P.C. is for quashing of FIR No.43 dated 02.06.2013 (Annexure P-1) registered under Sections 15/61/85 of NDPS Act (Section 25 of NDPS Act and Sections 420, 411, 482, 120-B IPC added later on) at Police Station Nurmahal, District Jalandhar, supplementary challan filed against the petitioner (Annexure P-9) and all subsequent proceedings arising therefrom.

2. The brief facts of the case are that the aforementioned FIR No.43 dated 02.06.2013 under Sections 15/61/85 of NDPS Act (Section 25 of NDPS Act and Sections 420, 411, 482, 120-B IPC added later on) Police Station Nurmahal, District Jalandhar was lodged by the police with the allegations that two co-accused namely, Kikkar Singh S/o Banta Singh and Joginder Singh @ Ginda @ Binder Singh S/o Satnam Singh were transporting five bags of poppy husk in a Maruti Car bearing No.PB10-AK-0203 and on



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seeing the police party, they fled away from the spot after leaving the car as also the contraband which on search was found to be five bags of poppy husk of 30 Kgs each totaling 150 kgs. The petitioner is neither named in the FIR nor identified as having fled the spot as per HC Shamsheer Singh part of the police party. The copy of the FIR No.43 dated 02.06.2013 under Sections 15/61/85 of NDPS Act (Section 25 of NDPS Act and Sections 420, 411, 482, 120-B IPC added later on) Police Station Nurmahal, District Jalandhar is attached as Annexure P-1 to the petition.

3. Later, the two named accused i.e. Kikkar Singh S/o Banta Singh and Joginder Singh @ Ginda @ Binder Singh S/o Satnam Singh came to be arrested.

4. During the course of investigation, it was found that the petitioner had sold the vehicle to Joginder Singh @ Ginda @ Binder Singh S/o Satnam Singh. He was cited as one of the prosecution witnesses. The report under Section 173 Cr.P.C. came to be presented against Kikkar Singh S/o Banta Singh and Joginder Singh @ Ginda @ Binder Singh S/o Satnam Singh.

5. Meanwhile, the petitioner sought the concession of anticipatory bail. During the course of those proceedings, the Investigating Agency sought to conduct a further investigation regarding the ownership of the vehicle. On the investigation being conducted, a supplementary challan was presented against the petitioner on 10.12.2016 with the allegations that the petitioner was the owner of the car. The copy of the supplementary challan is attached as Annexure P-9. to the petition.



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6. The petitioner filed the instant petition for quashing of the FIR and the supplementary challan where the further proceedings were stayed on 22.12.2016. In the meantime, the trial proceeded against the two initially challaned accused and the petitioner deposed as PW9 in the said trial to the effect that he had purchased the car bearing No.PB10-AK-0203 from Joginder Pal Dhiman and had sold the car on 29.05.2013 to Joginder Singh @ Ginda @ Binder Singh. Based on the evidence led, the two accused came to be acquitted by the Judge Special Court, Jalandhar vide judgment dated 30.03.2017. The relevant extract of the said judgment is reproduced as under:-

“30. From, all that has been discussed above, the prosecution has failed to the ownership of the car bearing Registration No. PB-10-AK0203 in the name of the accused Joginder Singh alias Binder Singh or in any way to connect with the recovery of the contraband recovered from the said car.

31. It is settled law that in Criminal matters, where an order of sentence of the accused is bound to take away his liberty the standard of the proof required is “beyond all reasonable doubts”. In 'Shivaji Sahebrao Bobde Vs. State of Maharashtra AIR 1973 SC 2622' the Hon'ble Apex Court has ruled that certainly it is a primary principle that accused must be guilty and not merely may be guilty before a Court can convict him and the mental distinction between “may be” and “must be” is long and divides vague conjectures from sure considerations. Learned defence counsel has rightly contended that the version of prosecution witnesses PW1 HC Shamsher Singh, PW2 Constable Parshotam Kumar, PW3 ASI Raghuvir Singh, PW4 ASI Gurdev Singh, PW5 Kashmir Chand, PW6 SI Hardev Preet Singh, PW7 Paramjit Kaur, PW8 MHC Sanjiv Kumar, PW9 Surinder Pal, PW10 Sahib Singh, PW11 Jaswinder Pal , PW12 Desh Raj,



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PW13 Raj Kumar, PW14 SI Jagdish Kumar and PW15 ASI Tarlok Singh, cannot be accepted as gospel truth.

32. Thus, from all that has been discussed above, the prosecution has miserably failed to bring home the guilt of the present accused Kikkar Singh and Joginder Singh alias Binder Singh, beyond all reasonable doubts, and benefit of doubt goes in his favour. As such, by giving benefit of doubt to the accused Kikkar Singh and Joginder Singh alias Binder Singh, they are acquitted of the charges framed against them, under section 15 of the Narcotic Drugs & Psychotropic Substances Act. The case property be kept intact , for production of the same, in the connected supplementary challan, pending against Surinder Pal, File be consigned to the record room after due compilation.”

7. The learned counsel for the petitioner contends that the petitioner has been falsely implicated by virtue of the supplementary challan without any evidence whatsoever. As per the prosecution case, the police party comprising of various police officials including one HC Shamsheer Singh had seen both the accused driving in the said car which on them being chased, they left and fled away on foot. The search of the car revealed five bags of poppy husk totaling 150 kgs. The petitioner was never identified at the spot as being present. During the course of the investigation, the Investigating Agency has found that the petitioner had already sold the car in question prior to the occurrence. He had been cited as a prosecution witness and had been examined as PW9. However, without any basis whatsoever the Investigating Agency filed the supplementary challan with the allegations that the petitioner was the owner of the car taking a diametrically opposite view from that taken at the initial stage while exonerating him. He contends



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that even if it is accepted that the petitioner was the owner of the car, that fact in itself would not inculcate the petitioner when he was never identified as having been sitting in the said car by the police party and the trial of the petitioner now, after 12 years of the occurrence would be an exercise in futility. He therefore prays that the present petition be allowed and the FIR No.43 dated 02.06.2013 (Annexure P-1) under Sections 15/61/85 of NDPS Act (Section 25 of NDPS Act and Sections 420, 411, 482, 120-B IPC added later on) Police Station Nurmahal, District Jalandhar and the supplementary challan filed against the petitioner (Annexure P-9) be quashed.

8. On the other hand, the learned State counsel admits that the petitioner had not been identified at the spot. During the course of the initial investigation it had been found that the petitioner had sold the car to Joginder Singh @ Ginda @ Binder Singh. However, later, it transpired that the petitioner was in fact the owner of the car. It was in that situation that the supplementary challan had been filed. Therefore, the present petition is liable to be dismissed.

9. I have heard the learned counsel for the parties.

10. Admittedly, as per the prosecution case, when the two accused were identified while driving in the car and had subsequently fled away, the car was found to contain contraband. It is not the case of the prosecution that the petitioner was ever at the spot or identified as such. During the course of the initial investigation it transpired that he had sold the car to Joginder Singh @ Ginda @ Binder Singh and therefore, he was exonerated and was made a prosecution witness. Later, a diametrically opposite view was taken



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by way of a supplementary challan with the allegations that the petitioner was the owner of the car. However, in the Trial against the two accused, the petitioner was examined as PW9 to substantiate the fact that he had sold the car. Ultimately, the two accused came to be acquitted vide judgment dated 30.03.2017 by the Court of Judge, Special Court, Jalandhar wherein a finding was arrived at that the prosecution was unable to establish the ownership of the car in the name of Joginder Singh @ Ginda @ Binder Singh S/o Satnam Singh or in any way connect the recovery of the contraband from the said car. Therefore, now at this stage, to subject the petitioner to a trial in a case where the FIR came to be registered on 02.06.2013 and the initial accused were acquitted on 30.03.2017 would be an exercise in futility because even if it was established beyond doubt that the petitioner was the owner of the car, that fact in itself would be insufficient to affix the guilt of the petitioner without any other evidence whatsoever. It cannot be lost sight of that even as per the initial prosecution case, it was only Joginder Singh @ Ginda @ Binder Singh and Kikkar Singh S/o Banta Singh who were seen traveling in the car subsequently found to contain the contraband.

11. In view of the aforementioned discussion, I find that the continuation of the proceedings emanating out of the supplementary challan qua the petitioner would be an exercise in futility and an abuse of the process of the Court. Therefore, the FIR No.43 dated 02.06.2013 (Annexure P-1) registered under Sections 15/61/85 of NDPS Act (Section 25 of NDPS Act and Sections 420, 411, 482, 120-B IPC added later on) at Police Station Nurmahal, District Jalandhar, the supplementary challan filed against the

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petitioner (Annexure P-9) and all subsequent proceedings arising therefrom are quashed in the interest of justice.

16.09.2025

JITESH

(JASJIT SINGH BEDI)
JUDGE

Whether speaking/reasoned:- Yes/No

Whether reportable:- Yes/No