

In the Court of Harvinder Singh, Judge Special Court, Ludhiana.
Unique Identification Code No.PB-0283

CIS No.NDPS/696/2019
CNR No.PBLD01-021328-2019
Date of Decision: 13.07.2026

State Versus Amandeep Singh @ Aman, aged 35
years, son of Bhagwan Singh son
of Manna Ram, resident of House
No.3768, Mohalla Raian, near
Gurudwara Giani Khan Navi Khan,
Machhiwara Sahib, Tehsil Samrala,
District Ludhiana.

....Accused

FIR No.381 dated 27.12.2018
Under Section 21 of The Narcotic Drugs and
Psychotropic Substances Act, 1985.
Police Station Division No.7, District Ludhiana.

Present: Ms.Richa, Addl.P.P. for the State.
 Accused on bail.
 Sh.S.S. Rai, Advocate, counsel for the accused.

JUDGMENT

Amandeep Singh @ Aman, above named accused
has been sent by the Station House Officer, Police Station
Division No.7, District Ludhiana to face trial for the
commission of offence under Section 21 of The Narcotic
Drugs and Psychotropic Substances Act, 1985 (hereinafter to
be referred as 'Act').

2. Briefly stated, case of the prosecution is that on

27.12.2018, ASI Rampal alongwith other police party was going on Government vehicle in connection with patrolling and checking of bad elements and when they reached near to Water Tank, Sector 32-A, Ludhiana, then HC Malkhan Singh, STF, Ludhiana alongwith his police party met him. Then HC Makhan Singh got recorded his statement to the effect that when he alongwith C.Gopal was present near Water Tank, Sector 32-A, Chandigarh, then he received secret information that Amandeep Singh @ Aman son of Bhagwant Singh, resident of Village Raiyana, near Gurudwara Sahib Machhiwara, Ludhiana was habitual to supply the Heroin illegally and today he is coming on a motor-cycle make Pulsar bearing No.PB-10-GF-4754 of silver colour, from Jamalpur side and going to Tajpur side, Ludhiana and if nakabandi is conducted, he can be apprehended. Believing the information to be true and correct, ASI Rampal scribed ruqa and sent the same through C. Davinderpal Singh and on that basis, FIR was recorded by ASI Sukhwinder Singh, who also endorsed the ruqa. Then police party held a nakabandi at Water Tank, Sector 32-A, Chandigarh and HC Makhan Singh was also joined in the investigation. During nakabandi, one person was seen coming on a motor cycle No.PB-10-GF-4754

from Jamalpur side and on seeing the police party, he tried to turn his motor-cycle back. However, his motor-cycle was suddenly stopped and he was apprehended on the basis of suspicion. On asking, he disclosed his name as Amandeep Singh son of Bhagwant Singh, r/o Village Arriya, ear Gurudwara Sahib Gani Kha Navi Kha, Machhiwara, Ludhiana. He tried to join independent witness in the present investigation, but none obliged. Thereafter Rampal after disclosing his identity to the accused stated that he has suspicion that there is some intoxicant material with him. I.O. also apprised him about his legal rights to get the same checked in the presence of some Gazetted Officer or Magistrate, who could be called at the spot as per his desire or he can be taken before them. On this, the accused repose faith in I.O., so his consent statement was recorded. On checking of motor-cycle, from the diggi, where documents are to be carried in the motor-cycle, one black coloured polythene was recovered and on checking the same, it contained Heroin and on weighment, it came out to be 50 grams Heroin. I.O. put the recovered Heroin in a small cloth bag and prepared parcel and sealed the said parcel with his seal bearing impression 'RP'. I.O. took into possession the

said parcel containing Heroin weighing 50 grams, motor-cycle, R.C. and sample seal slips vide recovery memo. Sample seal slip was also prepared at the spot. I.O. handed over his seal after use to HC Makhan Singh. I.O. prepared site plan at the spot. Accused was arrested in this case, vide arrest-cum-information memo and personal search memo. R.C. of said motor-cycle was in the name of Baldev Singh son of Manga Singh. I.O. recorded the statements of witnesses. On return to the police Station, I.O. produced the case property, accused and witnesses before officiating SHO ASI Arvinder Singh, who verified the facts from I.O., witnesses and accused and after satisfaction, he put his seal on both the parcels with seal bearing impression 'AS' and also on sample seal slips. He sent the accused in lock up and deposited the case property with MHC Jarnail Singh. He recorded the statement of Baldev Singh and he stated that accused has taken his motor-cycle from his wife by saying that he has to go to take medicine. Inventory proceedings were got conducted. Then parcel was deposited in the office of RTFSL, Ludhiana, through LC. Jaspreet Kaur and on return to police station, she deposited the receipt with MHC, who kept the same on record. Statements of witnesses under

Section 161 Cr.P.C. were recorded. Report of said laboratory was received. After completion of necessary investigation, the challan against the accused was presented in the Court.

3. On appearance of the accused in the Court, complete copies of the documents, as required under Section 207 Cr.P.C., were supplied to him, free of costs.

4. Finding a *prima facie* case, accused was charge sheeted under Section 21 of the Act, to which he pleaded not guilty and claimed trial.

5. Thereafter the prosecution examined PW1 ASI Rampal, PW2 ASI Makhan Singh, PW3 ASI Jarnail Singh, PW4 LC Jaspreet Kaur, PW5 Mohd. Shabir, Data Entry Operator and thereafter the prosecution evidence was closed by order.

6. On closure of the evidence of the prosecution, statement of accused under Section 313 Cr.P.C. was recorded, wherein all the incriminating evidence appearing against the accused on the record was put to him, to which he stated that nothing was recovered from him.

7. In defence, accused opted not to lead any evidence and closed the same.

8. Following point arises for determination in the instant case:-

“Whether on 27.12.2018 at about 07.00 P.M. in the area of Sector 32-A, Chandigarh Road, P.S. Division No.7, Ludhiana, accused was found in possession of 50 grams of Heroin without permit or licence and thus committed an offence punishable under Section 21 of the Act?”

9. In order to substantiate the charge against the accused, the prosecution has examined PW1 Retired SI Rampal, who deposed that on 27.12.2018, he was posted at Special Task Force, Ludhiana. On that day, he alongwith HC Mohd. Sadiq alongwith other police party was going to Water Tank, Sector 32-A, Ludhiana in connection with patrolling and checking of bad elements, where HC Malkhan Singh, STF, Ludhiana alongwith his police party met them. HC Makhan Singh narrated the facts of case verbally that accused Amandeep Singh @ Aman son of Bhagwant Singh, resident of Machhiwara Sahib was habitual to supply the Heroin illegally and today he is coming on a motor-cycle from Jamalpur side and going to Tajpur side, Ludhiana. Then he recorded the statement of HC Makhan Singh Ex.P1, which was read over to him and after admitting the contents of the same as correct, he signed the same. Then he scribed ruqa

Ex.P2 and sent the same through C. Davinderpal Singh and on that basis, FIR Ex.P3 was recorded by ASI Sukhwinder Singh, whose signatures he identified on the same and ASI Sukhwinder Singh also endorsed the same vide endorsement Ex.P5. Then police party held a nakabandi at Water Tank, Sector 32-A, Chandigarh and HC Makhan Singh was also joined in the investigation. During nakabandi, one person was seen coming on a motor cycle No.PB-10-GF-4754 from Jamalpur side and on seeing the police party, he tried to turn his motor-cycle back. However, his motor-cycle was suddenly stopped and he was apprehended on the basis of suspicion. On asking, he disclosed his name as Amandeep Singh son of Bhagwant Singh, r/o Village Arriya, ear Gurudwara Sahib Gani Kha Navi Kha, Machhiwara, Ludhiana. He tried to join independent witness in the present investigation, but none obliged. He disclosed his identity and place of posting to accused and apprised him that it appeared some intoxicant substance in his possession and his personal search and the search of his motor-cycle are to be required. Accused was made aware about his legal right to get the search conducted from Gazetted Officer or Magistrate, but the accused reposed faith upon him and he recorded his

consent statement Ex.P5 and same was witnessed by PW2 HC Makhan Singh and HC Mohd. Sadiq. Accused also signed the same in English. During the search of motor-cycle, from the diggi, where documents are to be carried in the motor-cycle, one black coloured polythene was recovered and on checking the same, it contained Heroin and on weighment, it came out to be 50 grams Heroin. Sample seal chit Ex.P6 was also prepared at the spot by him. Thereafter, he converted the recovered Heroin into a parcel and sealed the same with his seal bearing impression RP. Seal after use was handed over to PW2 HC Makhan Singh. Accused failed to produce any licence or permit for keeping the same. Thereafter, he took into police possession the above said seal parcel, above said motor cycle, RC Mark-A and sample seal chits vide memo Ex.P7. Thereafter, accused was arrested vide memo Ex.P8. His personal search was also conducted vide memo Ex.P9. His intimation arrest memo Ex.P10 was also prepared. He prepared rough site plan Ex.P11. He recorded the statements of witnesses at the spot. On return to the police station, he produced the above said sealed parcel, sample seal chits, motor-cycle, R.C., accused and witnesses including himself before ASI Arvinder Singh, who was working as officiating

SHO of P.S. Division No.7, Ludhiana, who verified the facts of the case from the witnesses, accused and found the same to be true. Thereafter, ASI Arvinder Singh affixed his seal bearing impression AS on the sealed parcel and also on sample seal chits and thereafter, case property was deposited with MHC Jarnail Singh by ASI Arvinder Singh. Recovery was effected from the conscious possession of accused. On 28.12.2018, he took out the case property from MHC Jarnail Singh alongwith sample seal chits and accused was taken from the lock up and produced before the court of concerned Illaqa/Duty Magistrate and application Ex.P12 for inventory was moved, on which Ld. Magistrate passed order Ex.P13. Form No.M29 Ex.P15 was also filled by the Ld. Magistrate and sample seal chit Ex.P14 was also prepared by the Ld. Magistrate. After inventory proceedings, one sealed sample parcel containing 5 grams of Heroin bearing seal impression JS was deposited with the District Nazir in intact condition and the bulk parcel sealed of 40 grams of Heroin seal bearing impression JS, was deposited with the Centralized Malkhana, Jamalpur. On return to the Police Station, he deposited one sealed sample parcel of 5 grams of Heroin bearing seal impression JS alongwith Form No.M29 and sample seal chits,

in intact condition, with MHC Jarnail Singh. He had seen the Photographs regarding the inventory proceedings and the same are Ex.P16 to Ex.P19. On 04.01.2019, he moved application Ex.P20 regarding ascertaining the ownership of motor-cycle make Splendor bearing registration No.PB-10-GF-4754 to the Registering Authority, Ludhiana and it is verified that Baldev Singh son of Manga Singh is owner of the said motor-cycle. He recorded the statement of Baldev Singh and he stated that accused has taken his motor-cycle from his wife by saying that he has to go to take medicine. After receiving chemical report Ex.PX, the challan was prepared by Inspector Sulakhan Singh, whose signatures he identified on it. He had seen the case property i.e. one sample parcel and the same is Ex.MO1.

10. PW2 ASI Makhan Singh, being recovery witness, deposed on the same lines, as deposed by PW1 Retired SI Rampal.

11. PW3 ASI Jarnail Singh deposed that on 27.12.2018, he was posted as MHC Police Station Division No.7, Ludhiana and was the Incharge of the Malkahana. On that day ASI Arvinder Singh officiating SHO deposited the case property i.e. one sealed parcel bearing seal impression

RP + AS containing 50 grams of heroine along with sample seal slips. He also deposited one motorcycle No.PB-10-GF-4754 make Hero Honda Splendor. Then on 28.12.2018, he handed over the case property to ASI Rampal for the purpose of inventory. On the same day, after the inventory, ASI Rampal deposited one sample parcel bearing seal impression JS along with sample seal slips and Form M-29. The representative parcel was also deposited with him and the bulk parcel was deposited at Centralized Malkhana. Thereafter on 04.01.2019, the representative parcel was deposited by ASI Rampal with the District Nazir. Thereafter on 21.01.2019, he handed over the sample parcel bearing seal impression JS along with Form 29-M and sample seal slips to lady Constable Jaspreet Kaur and directed her to obtain the docket from the office of ADCP-IV, Ludhiana and deposited the same at RTFSL, Ludhiana. As per his direction, lady Ct. Jaspreet Kaur obtained the docket from the office of ADCP IV, Ludhiana and deposited the sample parcel at RTFSL, Ludhiana. As long as the case property remained with him, neither he nor he allowed anybody else to tamper the same. His statement was recorded by the Investigating Officer.

12. PW4 LC Jaspreet Kaur deposed that on 21.01.2019, she was posted at P.S. Division No.7, Ludhiana. On that day, MHC HC Jarnail Singh handed over her one parcel bearing seal impression JS alongwith sample seal chits, form No.29-M and directed her to deposit the same at RTFSL, Ludhiana after obtaining the docket from the office of CP, Ludhiana. She reached at the office of SP and get the docket issued from there and after getting the docket issued, she deposited the above said parcel at RTFSL, Ludhiana and obtained the receipt of the same and on return to the police station, she handed over the receipt to MHC. During the period the above said parcel remained in her custody, she did not tamper with the same nor she allowed anybody to tamper the same. Her statement was recorded by the I.O.

13. PW-5 Mohd.Shabir, Data Entry Operator, RTO, Ludhiana had brought the summoned record pertaining to the Registration of vehicle No.PB-10GF-4754 and deposed that as per record, the abovesaid vehicle is in the name of Baldev Singh son of Mansa Singh resident of H.No.2790, near Shakti School, MCH Sahib, T-Samrala, Ludhiana. The attested copy of the record is Ex.PW5/A and the certificate u/s 63 BSA is Ex.PW5/B.

14. I have heard learned Addl.P.P. for the State, learned defence counsel and have carefully gone through the evidence on record with their assistance.

15. Ld. Addl.P.P. for the State has vehemently contended that prosecution has been successful in proving its case against the accused beyond shadow of reasonable doubt, for the commission of offence punishable under Section 21 of the Act, for having been found in conscious possession of 50 grams Heroin. She has further contended that the prosecution witnesses are unison with regard to date, time, place and manner of recovery effected from the conscious possession of the accused. There is nothing on record to doubt the veracity of these witnesses and non joining of independent witness is no ground to discard their testimonies. The link evidence is also duly established on the record. The defence version is improbable. So, accused be held guilty, convicted and sentenced as per law.

16. On the other hand, learned counsel for accused has vehemently argued that since the punishment for the offence, allegedly committed by the accused is stringent, so it was incumbent upon the prosecution to prove its case against the accused by leading cogent and trustworthy evidence, but the

prosecution has miserably failed to bring home guilt of the accused beyond shadow of reasonable doubt. The learned defence counsel has assailed the prosecution case on various grounds. Consequently, prayer for acquittal of the accused has, thus, been made.

17. After hearing both the sides and having perused the entire oral as well as documentary evidence, available on the file, it is found that the prosecution has fully proved to connect accused with the commission of the offence. All the prosecution witnesses were cross examined at length by the learned defence counsel, but nothing favourable could be extracted. There is nothing on record to doubt the veracity of evidence.

18. At the very outset, the learned defence counsel contended that the prosecution has failed to join the independent witness despite having ample opportunity. The prosecution witnesses have stated in cross-examination that place of recovery is thoroughfare and number of persons passed during their stay at the spot. As such, the case of the prosecution become doubtful and accused deserves acquittal on this score.

19. However, this contention put forth by learned defence counsel does not cut much ice and the pleas of prosecution cannot be thrown away just because no independent witness was joined at the time of alleged search and seizure. Due to non-examination of independent witness, the evidence of official witnesses cannot be distrusted and disbelieved. In the face of the evidence of the official witnesses only the court is to scrutinize the same carefully and consistently and after carefully consistence scrutiny if the court comes to the conclusion that the same does not suffer from any serious infirmity, the same can be relied upon. The evidence of the official witnesses, in the instant case, has been able to in-depth scrutiny and nothing came to be for which court may go to discredit the same. It is now well settled law that the evidence of search or seizure, made by the police will not become vitiated, solely for the reason that the same was not supported by any independent witness. In Ramesh Kumar Versus State of Haryana 2013(4) RCR (Criminal) 320, it has been held by the Hon'ble Punjab & Haryana High Court that people are generally averse to join the police and depose in favour of the prosecution, as they are afraid of the fact that joining of the police and deposing in favour of the prosecution may expose them to serious consequences. Therefore, efforts made by the

police party to join an independent witness with the police party and their refusal to join cannot be disbelieved.

20. It is well settled that evidence of official witnesses is as good as of other witnesses. Statements of official witnesses cannot be discarded merely because of colour of their office. When the case of the prosecution is based only on the statements of police official witnesses, the only precaution for the Court is to scrutinize the evidence of official witnesses with great care and caution and after careful and cautious scrutiny, if the Court comes to the conclusion, that the same does not suffer from any serious infirmity, the same can be relied upon. In “Ram Swaroop Versus State (Govt.NCT) of Delhi 2013(3) RCR (Cri.) 946”, it has been held by the Hon'ble Apex Court that there is no absolute rule that police officers cannot be cited as witnesses and their depositions should be treated with suspect. Court cannot start with the presumption that police records are untrustworthy. In case titled as Kashmiri Lal Vs. State of Haryana 2013 (3) R.C.R. (Criminal) 259 (SC), the Hon'ble Supreme Court has held that, *“even if no independent witness joined the accused can be convicted on the basis of official witnesses. It was further held that ordinarily as public at large*

show their disinclination to come forward basic witnesses.” The law laid down in the above mentioned authority is fully applicable to the facts and circumstances of the instant case. Thus merely due to non-examination of any independent witness, when the official witnesses have deposed in unison with regard to the day, time and place and manner of recovery of the contraband from the possession of the accused, there was no reason on their part to falsely implicate the accused and as such, no doubt is casted on the prosecution version. Moreover, the minor discrepancies in the statements of prosecution witnesses are bound to occur with the passage of time as human memory is fallible and erodes with the passage of time and are not fatal to the case of prosecution, therefore, non-joining of independent witness with the police party is no ground to discard the testimonies of above witnesses.

21. Learned defence counsel further contended that there is violation of Section 50 of the Act as no written notice under Section 50 of NDPS Act was served upon the accused nor any such notice has been placed on record and, therefore, accused is entitled to acquittal, but I do not find any force in this contention raised by learned counsel for the accused. Perusal of file reveals that consent statement Ex.P5 has been

duly proved on record by all the prosecution witnesses. If copy of said notice u/s. 50 of the Act was not given to accused at that time, it does not mean that there is non-compliance of Section 50 of the Act. Moreover, oral evidence cannot override the documentary evidence i.e. Ex.P5, which has been duly proved on record. The Hon'ble Supreme Court of India in case law **Krishan Kumar Versus State of Haryana, 2014 (3) Criminal Court Cases, 71** has held that provisions of Section 50 will come into play only in the case of personal search of accused and not of some baggage like a bag, article or container, etc. which (the accused) may be carrying. Moreover, the recovery of Heroin was not effected from the personal search of the accused and his personal search was conducted after effecting the recovery. Therefore, this Court is inclined to hold that the provisions of Section 50 of the Act are not attracted in this case. The contention of the learned defence counsel is thus repelled.

22. Learned defence counsel has next contended that there is delay for 24 days in depositing the sample in the office of RTFSL, Ludhiana. So, link evidence is missing and there is every possibility of tampering with the sample parcel and its benefit must go to the accused and thus the

report of RTFSL, Ludhiana cannot be relied upon. However, this contention of the learned defence counsel is also without any substance. The mere fact that the delay in sending the samples to the office of RTFSL, Ludhiana was not explained in itself was not sufficient to come to the conclusion that the sample parcel was tampered with at any stage. In such a scenario, the court is required to fall back upon other evidence, produced by the prosecution to complete the link evidence. The other evidence produced by the prosecution has been subjected to in-depth scrutiny and it has been found to be cogent and convincing on record. From the other evidence, produced by the prosecution, it stands established that nobody had tampered with the sample parcels until the same reached the office of RTFSL, Ludhiana. Above all, there is a report of RTFSL, Ludhiana, which depict that the seals on the parcel was found intact and tallied with the specimen seal impression. In this regard, it has been held by our Hon'ble High Court in **Mohan Singh Vs. State of Punjab 2007 (4) Recent Criminal Reports 705** that *“mere delay in sending the sample to laboratory is not fatal where there is evidence that sealed articles were kept proper and safe custody.”* In case **State of Orissa Versus Kanduri Sahoo 2004**

(1) RCR (Criminal) 196 (SC) it was held that, *“as such as 12 kg of Canabis (Ganja) was recovered from the unauthorized possession of the accused, the sample was sent for chemical examination after four days. The evidence showed that contraband articles were kept in proper and safe custody.”*

Hon'ble Apex Court held that there was no ground to quash the prosecution on account of delay when articles were in proper and safe custody. The principle of law laid down in the aforesaid authorities is fully applicable to the facts of the present case. Thus from the evidence on record, it stands established that right from the time of seizure up to the time, when the sample of contraband reached the office of RTFSL, Ludhiana, it remained intact and was not tampered with. Thus, there is no delay in sending the sample to the RTFSL, Ludhiana and same is not fatal to the case of prosecution. Thus, the link evidence is complete in this case and there was no possibility of tampering with the sample parcel or sample of seal as alleged. Hence, the arguments advanced by the learned defence counsel is found to be without any merit.

23. So far as defence version of the accused is concerned, although accused has taken a plea in his statement under section 313 Cr.P.C. that nothing was recovered from him and he has been

falsely implicated in this case, but he failed to prove the same. Otherwise also, accused has not alleged any ill-will or enmity with the police and, therefore, there was no reason for the police authorities to falsely implicate the accused in this case. Even otherwise admittedly, accused neither moved any complaint nor appeared before any higher police authority after the occurrence regarding his false implication. Had the accused been innocent, he would have raised hue and cry against his false implication to the higher police officer. No plausible explanation or justification is forth coming from the side of the accused. Even no private witness has been examined by the accused to prove his innocence. Even the accused himself has not stepped into the witness box to support his defence plea. Therefore, the defence pleas put forth by the accused do not inspire confidence and appears to be an after thought. Therefore, the defence pleas taken by the accused is not probable and same cannot be accepted. Moreover, it is well settled law by now that the evidence adduced by the prosecution witnesses and who are tested on the touch stone by way of their grueling cross examination must be taken into consideration. Therefore, no reliance can be placed on the defence plea taken by the accused. To say the least, defence version is quite patch of lies and figment of imagination, spun out after presentation of challan

and the same is rejected as a whole.

24. As a result of my above discussion made herein above, the point of determination is returned in favour of the prosecution and accused Amandeep Singh is held guilty and is convicted for the offence punishable under Section 21 of the N.D.P.S. Act for keeping in his conscious possession 50 grams Heroin without any licence or authority. Let convict be taken into custody and be heard on the quantum of sentence.

Pronounced in open Court
Dated: 13.07.2026

(Harvinder Singh)
Judge Special Court,
Ludhiana.(UID No. PB0283).

ORDER OF SENTENCE

Present: Ms.Richa, Addl.P.P for the State.
Convict Amandeep Singh in custody.
Sh.S.S.Rai, Adv. for the convict.

25. I have heard the learned Addl.P.P for the State and convict on the question of sentence. Convict prayed for leniency on the ground that he is poor person and is suffering from various ailment and no other case is pending against him.

26. On the other hand, learned Addl.P.P for the State has submitted that keeping in view the recovery of Heroin effected from the conscious possession of convict, maximum punishment may be given to him.

27. Plea of convict on the question of sentence has

been considered. In the present case, proved recovery effected from the convict falls into non-commercial quantity, as detailed above. As per record, convict remained in custody in this case from 27.12.2018 to 14.02.2019. This much period is considered to be sufficient punishment for the convict. Thus keeping in view all the facts and circumstances of this case, gravity of offence and taking a lenient view, convict is sentenced to undergo rigorous imprisonment **for the period already undergone by him** in this case and to pay fine of **Rs.1,500/- (one thousand five hundred)** and in default of payment of fine, to further undergo rigorous imprisonment for **fifteen days**. Fine paid. Case property is ordered to be disposed of as per rules after expiry of period of appeal/revision or in case of appeal/revision, if any, as per the order made therein. A copy of this judgment be supplied to the convict free of costs. File be consigned to the Record Room.

Pronounced in open Court
Dated: 13.07.2026

(Harvinder Singh)
Judge Special Court,
Ludhiana.(UID No. PB0283).

* This judgment contains 23 pages and each page is checked and signed by me.

* Typed by Rajiv Kumar Stenographer Grade-I on direct dictation.