

PW1 Statement of Sh. Hardev Singh, s/o Sh. Lakhvinder Singh, R/o Khera Upperlla, Tehsil Nalagarh, District Solan, H.P. aged 32 years.

**On S.A.
28.11.2023**

Stated that I am driver by profession. In the year 2022, I was driver in bus bearing No.HP12F-9013 of City Point Goldy Bus Services and conductor was Vinod. The owner of the aforesaid bus was Sh. Balraj Chopra. On 08.08.2022, we came to Shimla in the aforesaid bus on its route from Nalagarh to Shimla. We started from Nalagarh around 6:54 am. We reached Shoghi police post around 11:00 am. The police had led the nakka and were checking the vehicles. Our bus was also checked by the police. Two police officials boarded the bus and started checking the bus. The police had found one bag in the luggage rack of the bus and police inquired about the same but no one had claimed the same. The police had deboarded all the passengers from the bus. Accused Dixit, who is present in the court, boarded the bus from Solan. Some of the passengers might have told the police that the bag belonged to accused Dixit but no such fact came in front of me. The police sent the passengers of my bus in the different buses and asked me and my conductor to come inside the bus. Accused Dixit was kept inside the bus by police, when all the passengers deboarded the bus. Police made inquiry from us but I told that I do not know whether this bag belonged to accused or not. On this, police asked us to remain associated as a witness and

obtained our signatures on the documents. Police had also taken out the necessary documents of the bus. The police conducted the proceedings and took the photographs. The police already searched the bag, in which later on chitta was recovered. I do not know whether the bag in question belonged to accused or not.

At this stage, Ld. PP requested to cross-examine this witness as he resiled from his previous statement recorded under Section 161 Cr.P.C. Permission is granted.

**XXXCross-examination by Sh. Sudhir Sharma,
Ld. PP for the StateXXX**

My statement was recorded by the police. It is incorrect that around 11:00 am two police officials, one in uniform and another in civil cloth boarded the bus from the rear side of the door and made inquiry from the boy who was sitting on the last seat. It is also incorrect that police in the presence of conductor and in my presence made inquiry from the boy and asked about his whereabouts, who disclosed his name as Dixit. It is also incorrect that in our presence the accused was holding a light yellow coloured micron packet over his lap and further refused to give any search of the said packet on this police got suspicion that packet might contained some suspicious thing. I have heard portion A to A of my statement Mark H, which I have not given to the police. Witness is confronted with the same wherein it is so recorded. It is also incorrect that police had also apprised about the situation to two-three female passengers but they refused to join the investigation on the

pretext of some urgency. I have heard portion B to B of my statement Mark H, which I have not given to the police. Witness is confronted with the same wherein it is so recorded. It is correct that HC Lalit inquired about our names. It is incorrect that in our presence the police asked the whereabouts the person/boy, who was sitting on seat No.40 and who disclosed his name as Dixit. It is also incorrect that in our presence, when the aforesaid yellow coloured micron packet was opened, one black coloured T-shirt, one vest, one black coloured hood, one white coloured charger and three apples were found. It is also incorrect that from the zip pocket of the hood, one 10 rupee burnt currency note and one white coloured plastic pouch was found, which was having knot. I have heard portion C to C of my statement Mark H, which I have not given to the police. Witness is confronted with the same wherein it is so recorded. It is also incorrect that on opening the knot of the plastic packet, light brown coloured substance in the powder form was recovered, which was on the basis of experience was found heroin/chitta. I have heard portion D to D of my statement Mark H, which I have not given to the police. Witness is confronted with the same wherein it is so recorded. It is also correct that aforesaid chitta was weighed by I.O. from the scale and it was found 10.65 grams. It is correct that the recovered contraband including the things were put in the same manner in which it was found and the same was put in the cloth parcel and sealed with seal impression of Y at seven places. It is correct that police has taken the parcel

into possession vide memo **Ext.P1/PW-1**, which bears my signature in red circle H. It is also correct that specimen seal impression Y also bears my signature in the sample seal. The sample seal is **Ext.P2/PW-1**, which bears my signature. It is incorrect that seal impression was handed over to witness Vinod. I have heard portion E to E of my statement Mark H, which I have not given to the police. Witness is confronted with the same wherein it is so recorded. It is correct that accused handed over the ticket to the police which was signed by Vinod. It is correct that in photographs Mark A-1 to A-8 are of the spot, in which I along with conductor and accused Dixit are visible. I do not know whether the police handed over one copy of seizure memo to police. I do not know whether any rukka was sent to police station through HHC Sunil for lodging FIR. It is correct that police had taken the documents of the bus including DL vide memo **Ext.P3/PW-1**, which bears my signature as presenter. It is correct that police had not obtained my signatures forcibly. Self stated that police had asked to sign the paper and on this, without going through the contents of the same, I signed the paper. It is incorrect that contraband was recovered from the possession of accused Dixit in my presence and only after the completion of the proceedings, I put my signatures on the parcel, seizure memo, sample seal. It is also incorrect that I know the accused person and just to save him from punishment I am resiling from my previous statement. It is also incorrect that I am deposing at the instance of accused. Accused Dixit is present in the court.

At this stage, Ld. PP for the State produced case property produced by HHC Suresh No.703, P.S. West Shimla vide GD No.7 dated 28.11.2023 Ext.PX The parcel is sealed with 7 seals of seal impression 'Y', seal impression K at three places, court seals at 4 places and SFSL at three places is produced in the court. Seals are intact. Permission is sought to show and cut the parcel. Permission is granted.

On showing the parcel **Ext.MO**, witness identifies his signature in red circle-H on parcel Ext. **MO**.

On cutting and opening the parcel Ext.**MO**, one yellow coloured micron packet **Ext.MO1**, black coloured hood **Ext.MO2**, one black coloured T-shirt **Ext.MO3**, one charger **Ext.MO4**, one vest **Ext.MO5**, 10 rupee burnt currency note **Ext.MO6** and one white coloured plastic pouch **Ext.MO7** containing brown coloured powder substance i.e. heroin/chitta **Ext.MO8** came out and shown to the witness. The witness has identified the aforesaid contraband along with other articles to be the same which were taken into possession by the I.O in his presence inside the bus. Self stated that I cannot say whether these aforesaid articles and contraband belongs to accused Dixit or not.

XXXCross-examination by Sh.R.K. Khidta,Ld. Counsel for accusedXXX

It is correct that when we reached at police barrier Shoghi, there was no vehicle standing or reached immediately before our bus. I do not know the name of police official who stopped my bus. Two persons boarded

from rear side of the bus and thereafter all passengers were asked to come down from the bus. No search of any person was conducted in my presence. It is also correct that no contraband was recovered from accused Dixit in my presence. It is correct that police was not having any laptop. It is correct that police asked me to sign certain papers by saying that in case we want to take away our vehicle we had to put the signature on the paper and on this pretext, I signed the papers. It is correct that before putting my signature I had not gone through the contents of the same nor the police had explained the same to me. It is correct that on the ticket Mark D1, the police asked the conductor to put his signature and to write down the place and date. It is correct that the ticket issued in the private bus bears the name of the bus. It is correct that ticket mark D1 does not bear the name of Goldy Bus. It is correct that all the proceedings were carried out inside the police post and thereafter for photographs we and accused were called by police inside the bus. I do not remember the colour of the weighing scale. It is correct that the contraband was recovered from the bag which was lying abandoned in the bus. It is also correct that no recovery of any contraband was carried out from accused Dixit in my presence. It is correct that no inquiry was made by police from the 20-25 passengers to associate in the proceedings. It is correct that police had told all the passengers to leave the bus. We remained on the spot from 11:00 am to 4:00 pm and all police officials also remained on the spot during this interval.

No police official had left the spot nor any police officials came to the spot during this period. It is correct that neither I nor conductor were wearing the uniform.

RO & AC

**(Parveen Chauhan)
Special Judge-1, Shimla.**

PW-2 Statement of Sh. Vinod Kumar, s/o Sh. Raj Kumar, R/o Khera Chak, Tehsil Nalagarh, District Solan, H.P. aged 31 years.

**On S.A.
28.11.2023**

Stated that I am conductor by profession and doing the work of conductor from last 10 years. In the year 2022, I was temporary attached with Goldy Bus services as conductor in bus bearing No.HP12F-9013, which is owned by Sh. Balraj Chopra. The driver of the bus was Hardev Singh @ Happy. On 08.08.2022, we came to Shimla in the aforesaid bus on its route from Nalagarh to Shimla. We started from Nalagarh around 6:54 am. We reached Shoghi police post around 11:00 am. The police had led the nakka and were checking the vehicles. Our bus was also checked by the police. Two police officials boarded the bus from the rear door and started checking the bus. The police officials had found one bag in the luggage rack of the bus and police inquired about the same but no one had claimed the same. The police had deboarded all the passengers from the bus and I already deboarded from the bus. Accused Dixit, who is present in the court, boarded the bus from Solan and was sitting on the last seat and had taken the ticket of Shimla. The police officials told me that they found one bag from the accused, which might have been inquired from the passengers. When all the passengers deboard from the bus only accused Dixit remained inside the bus beside driver. The police sent the passengers of my bus in the different

buses. Police made inquiry from us but I told that I do not know whether this bag belonged to accused or not. On this, police asked us to remain associated as a witness and obtained our signatures on the documents and also clicked the photographs.

At this stage, Ld. PP requested to cross-examine this witness as he resiled from his previous statement recorded under Section 161 Cr.P.C. Permission is granted.

**XXXCross-examination by Sh. Sudhir Sharma,
Ld. PP for the StateXXX**

My statement was recorded by the police. It is incorrect that around 11:00 am two police officials, one in uniform and another in civil cloth boarded the bus from the rear side of the door and made inquiry from the boy who was sitting on the last seat. It is also incorrect that police in the presence of driver and in my presence made inquiry from the boy and asked about his whereabouts and during inquiry the boy got scared. I have heard portion A to A of my statement Mark V, which I have not given to the police. Witness is confronted with the same wherein it is so recorded. It is also incorrect that in our presence the accused was holding a light yellow coloured micron packet over his lap and further refused to give any search of the said packet on this police got suspicion that packet might contained some suspicious thing. It is also incorrect that police had also apprised about the situation to two-three female passengers but they refused to join the investigation on the pretext of some urgency. I have heard portion B to B of my statement Mark

V, which I have not given to the police. Witness is confronted with the same wherein it is so recorded. It is correct that HC Lalit inquired about our names. It is correct that in our presence the police asked the whereabouts the person/boy and who disclosed his name as Dixit. I do not remember that that when the aforesaid yellow coloured micron packet was opened, one black coloured T-shirt, one vest, one black coloured hood, one white coloured charger and three apples were found. It is correct that from the zip pocket of the hood, one 10 rupee burnt currency note and one white coloured plastic pouch was found, which was having knot. It is correct that on opening the knot of the plastic packet, light brown coloured substance in the powder form was recovered, which was on the basis of experience was found heroin/chitta. Self stated that police was making inquiry from Dixit but he had refused that the aforesaid bag belongs to him. It is also correct that aforesaid chitta was weighed by I.O. from the scale and it was found 10.65 grams. It is correct that the recovered contraband including the things were put in the same manner in which it was found and the same was put in the cloth parcel and sealed with seal impression of Y at seven places. It is correct that police has taken the parcel into possession vide memo **Ext.P1/PW-1**, which bears my signature in red circle V. It is also correct that specimen seal impression Y also bears my signature in the sample seal. The sample seal is **Ext.P2/PW-1**, which bears my signature. It is incorrect that seal impression was handed over to me. I have heard portion C to C and D to D of my statement Mark

V, which I have not given to the police. Witness is confronted with the same wherein it is so recorded. The ticket was issued by me to Dixit when he boarded the bus and I and written Solan to Shimla, however, when the ticket was taken from accused Dixit, the police had asked me to put my signature on the ticket. The ticket Mark D1 now **Ext.P1/PW-2** bears my signature in red circle V. It is correct that in photographs Mark A-1 to A-8 are of the spot, in which I along with driver and accused Dixit are visible. I do not know whether the police handed over one copy of seizure memo to police. I do not know whether any rukka was sent to police station through HHC Sunil for lodging FIR. It is correct that police had not obtained my signatures forcibly. Self stated that police had asked to sign the paper and on this, without going through the contents of the same, I signed the paper. It is incorrect that contraband was recovered from the possession of accused Dixit in my presence and only after the completion of the proceedings, I put my signatures on the parcel, seizure memo, sample seal. Self stated that the bag was lying on the rack of the bus and it was not in the possession of accused Dixit, however, during search of that bag, the chitta and other things were recovered. Self stated that entire proceedings were carried out outside the bus and the police asked us to remain inside the bus when photographs were clicked. It is also incorrect that I know the accused person and just to save him from punishment I am resiling from my previous statement. It is also incorrect that I am deposing falsely at the instance of accused. Accused

Dixit is present in the court.

On showing the parcel **Ext.MO**, witness identifies his signature in red circle-V on parcel **Ext. MO**.

One yellow coloured micron packet **Ext.MO1**, black coloured hood **Ext.MO2**, one black coloured T-shirt **Ext.MO3**, one charger **Ext.MO4**, one vest **Ext.MO5**, 10 rupee burnt currency note **Ext.MO6** and one white coloured plastic pouch **Ext.MO7** containing brown coloured powder substance i.e. heroin/chitta **Ext.MO8** shown to the witness. The witness has identified the aforesaid contraband along with other articles to be the same which were taken into possession by the I.O in his presence. Self stated that I cannot say whether these aforesaid articles and contraband belongs to accused Dixit or not.

XXXCross-examination by Sh.R.K. Khidta,Ld. Counsel for accusedXXX

When we started from Nalagarh 15-20 passengers were sitting inside the bus. Passengers used to boarded in the bus from station to station. It is correct that we cannot identify the passengers as well as their luggages. It is correct that when we reached at police barrier Shoghi, there was no vehicle standing or reached immediately before our bus nor any other vehicle was being searched by the police. I cannot tell that how many police official were present on the spot. I do not know the name of police officials who stopped my bus. Two persons boarded from rear side of the bus and thereafter all passengers were asked to come down from the bus. No search of any person

was conducted in my presence. It is also correct that no contraband was recovered from accused Dixit in my presence nor any videography was done by the police when they boarded inside the bus. It is correct that police was not having any laptop. It is correct that police asked me to sign certain papers by saying that in case we want to take away our vehicle we had to put the signature on the paper and on this pretext, I and the driver of the bus signed the papers. It is correct that before putting my signature I had not gone through the contents of the same nor the police had explained the same to me. It is correct that on the ticket Ext.P1/PW-2 the police asked me to put my signature and to write down the place and date. It is correct that the ticket issued in the private bus bears the name of the bus. It is correct that ticket Ext.P1/PW-2 does not bear the name of Goldy Bus. It is correct that all the proceedings were carried out inside the police post and thereafter for videography and photography I along with driver and accused were called by police inside the bus. I do not remember the colour of the weighing scale. It is correct that the contraband was recovered from the bag which was lying abandoned in the bus. It is correct that number of time, articles of application remained in the bus for number of days. It is also correct that alleged bag was not recovered from the accused in my presence. It is correct that no inquiry was made by police from the 20-25 passengers to associate in the proceedings. It is correct that no passenger refused to become a witness in the case. Self stated that police official did not ask any

passenger to become a witness. It is correct that police had told all the passengers to leave the bus. We remained on the spot from 11:00 am to 4:00 pm and all police officials also remained on the spot during this interval. No police official had left the spot nor any police officials came to the spot during this period. It is also correct that no recovery of any contraband was carried out from accused Dixit in my presence. It is correct that neither I nor driver were wearing the uniform. It is correct that no written documentation was done in my presence.

RO & AC

(Parveen Chauhan)
Special Judge-1, Shimla.

Statement of HHC Suresh Kumar, No.703, P.S. West
Shimla

Without Oath
28.11.2023

The case property which was produced during the trial vide GD No.7 dated 28.11.2023 Ext.PX and shown to witness today in the court, after resealing the parcel with court seal handed over to me, for safe custody.

RO & AC

(Parveen Chauhan)
Special Judge-1, Shimla.