

IN THE COURT OF UPINDER SINGH JANDU,
JUDGE, SPECIAL COURT SANGRUR.
[UID:PB0842]

CNR No.

Case No. NDPS/160/2023

PBSG01-002630-2023

Presented on : 17.03.2023

Registered on : 17.03.2023

Decided on : 10.07.2026

State	versus	1.	Raj Singh alias Raju aged about 28 years son of Labh Singh resident of village Hariau, PS Lehra, District Sangrur. --- Accused
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FIR No. 32 dated 15.04.2021
Under Section: 22/29/61/85 ND&PS Act.
Police Station: Chhajli

Present: Sh. H.R. Goyal, Additional Public Prosecutor for the State
Accused Raj Singh alias Raju on bail in this case but
in custody in some other case with Sh. Ajay Pal Singh,
Advocate.

FORM ‘A’

Complainant	ASI Gurbhej Singh
Represented by	Sh. H.R. Goyal, Additional Public Prosecutor for theState
Accused	Raj Singh alias Raju aged about 28 years son of Labh Singh resident of village Hariau, PS Lehra, District Sangrur.
Represented by	Sh. S.S. GrewSh.Ajay Pal Singh, Advocate for the accused

FORM ‘B’

Date of offence	15.04.2021
Date of FIR	15.04.2021
Police Station	Chhajli
Date of Charge-sheet	05.05.2022
Date of Framing of charges	19.04 2023 and amended charge on 15.11.2025
Date of Commencement of	21.03.2024

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evidence	
Date on which judgment is reserved	
Date of Judgment	10.07.2026
Date of Sentencing Order, if any	10.07.2026

Accused Details:

Rank of accused	Name of Accused	Date of Arrest	Date of Release on Bail	Offence charged with	Whether Acquitted or convicted	Sentence	Period of detention undergone during trial for purpose of Section 428 Cr.P.C
1.	Raj Singh	24.02.2022	-	29/61/85 NDPS Act	Acquitted	-	-

FORM ‘C’

A. Prosecution witnesses:

Rank	Name	Nature of Evidence
PW1	ASI Gurbhej Singh	First Investigating Officer
PW2	HC Khushwinder Singh	Recovery witness
PW3	ASI Major Singh	Regarding the depositing of case property at malkhana and regarding sending sample
PW4	HC Mewa Singh	Regarding the depositing of sample for chemical
PW5	Retired ASI Jagjit Singh	Investigating Officer
PW6	SC Sukhwinder Dass	Regarding identification of signatures of DSP on report u/s42 NDPS Act
PW7	Inspector Gagandeep Singh	Verification of case property
PW8	Retired SI Karaminder Singh	Regarding arrest of accused Raj Singh

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B. Defence Witnesses, if any

Rank	Name	Nature of Evidence
NA	NA	NA

C. Court Witnesses, if any

Rank	Name	Nature of Evidence
NA	NA	NA

LIST OF PROSECUTION/DEFENCE /COURT EXHIBITS

A. Prosecution:

Sr. No.	Exhibit Number	Description
1.	Ex.PA	Memo
2.	Ex.P1 to Ex.P3	Specimen sample seals
3.	Ex.P4	Recovery memo
4.	Ex.P5	Rough site plan
5.	Ex.P6	Arrest cum intimation memo
6.	Ex.P7	Personal search memo
7.	Ex.P8	Special report under Section 57 of NDPS Act
8.	Ex.P9	Endorsement of DSP
9.	Ex.P10	Application vide which case property was produced before learned JMIC,Sunam
10.	Ex.P11	Regarding preparation of sample seal by JMIC
11.	Ex.P12	Form No.29
12.	Ex.P13	Order passed by JMIC
13.	Ex.P14	Application vide which sample parcel was deposited in Judicial Malkhana Sunam
14.	Ex.P15	Order passed by learned SDJM Sunam
15.	Ex.P16	Report of FSL
16.	Ex.P17	Report of Drug Inspector
17.	Ex.P18	Application through which report of Drug Inspector was called
18.	Ex. P19	Registration of FIR against Raju Singh
19.	Ex. PW8/A	Application moved before JMIC, Sunam for

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		granting permission to arrest accused Raju Singh
20.	Ex.PW8/B	Arrest of accused Raju Singh
21.	Ex.PW8/C	Application for judicial remand
22.	Ex.PW8/D	Order passed by learned JMIC

B. Defence

Sr. No.	Exhibit Number	Description
NA	NA	NA

C. Court Exhibits:

Sr. No.	Exhibit Number	Description
NA	NA	NA

D. Material Objects:

Sr. No.	Material Number	Exhibit	Description
NA	NA		NA

JUDGMENT:

FACTUAL MATRIX OF THE CASE:

1. Accused Raj Singh alias Raju is sent up to face trial for the commission of offence punishable under Section 29 of the Narcotic Drugs & Psychotropic Substances Act, 1985 by the Police Station Chhajli.

2. The factual matrix of the prosecution case culminating into the trial is that on 15.04.2021, ASI Gurbhej Singh along with other police officials was present at Neelowal canal bridge in connection with patrolling and checking of suspected persons. At about 6:20 P.M., ASI Gurbhej Singh received secret information regarding indulgence of Meeto wife of Labh Singh, resident of village Hariau in selling of intoxicant tablets which

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were supplied by her son Raju, who would be going on foot from Chhajla towards Sunam via Neelowal for selling the same. ASI Gurbhej Singh along with other police party members conducted nakabandi at T-point, Ugraha-Chhajla. During checking at about 6:40 pm, one lady was seen coming on foot from village Chhajla side carrying a plastic bag on her head, who on seeing police officials became perplexed and tried to flee away from there. The plastic bag fell on the ground and some boxes of intoxicant tablets scattered on the ground. She was apprehended by police officials. On being enquired, she disclosed her name as Meeto. Ruqa was sent through SC Kulvir Singh for registration of FIR and also requested to send another investigating officer and on the basis of which, FIR was registered. ASI Jagjit Singh along with other police party reached at the spot where ASI Gurbhej Singh disclosed the facts, handed over the papers to him and also produced accused Meeto along with plastic bag before him. ASI Gurbhej Singh left the spot after apprising of the situation to ASI Jagjit Singh. On checking the said plastic bag, 44 boxes of tablets having 50 strips each and each strip containing 10 tablets i.e., total 22000 tablets of Celcidal 100 SR bearing Batch no. UFT022 Mfg. Date 04/2021 and Exp. Date 03/2023 were recovered which were put in the same boxes. The said boxes were put in the same plastic bag and converted into parcel which was sealed by ASI Jagjit Singh with his seal bearing impression 'JS'. Sample seal was separately prepared on form no. 29. Seal after use was

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handed over to HC Khushwinder Singh. The aforesaid parcel along with specimen seal was taken into possession vide separate recovery memo. Site plan of the place of recovery was prepared. Accused was arrested and personally searched vide separate memos. Statements of witnesses were recorded. The report under Section 57 NDPS Act was prepared. On return to the police station, the accused along with the case property was produced before SHO/SI Gagandeep Sidhu, who verified the facts of recovery, counter sealed the parcel and the sample seal with his seal bearing impression 'GS' and then the case property was deposited with Malkhana Munshi ASI Major Singh. During investigation, on 16.04.2021, the case property along with the accused was produced before learned JMIC Sunam, who after breaking open the seals 'JS/GS' took two samples of one box each from the bulk parcel and resealed the bulk parcel with his seal bearing impressions 'ASM' and passed an order directing case property to be deposited at FSL. On 19.04.2021, sample parcel was got deposited in Judicial Malkhana and bulk parcel was got deposited in Centralized Malkhana, Sangrur. Sample parcel was deposited with FSL by HC Mewa Singh. Statements of witnesses were recorded. Raids were conducted to arrest accused Raju Singh but he could not be arrested and proclamation proceedings were initiated against him. On completion of investigation and receipt of FSL report, the challan was presented against the accused Meeto.

On 18.10.2021, SI Karminder Singh received the file of the

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present case for further investigation qua accused Raj Singh alias Raju, who was already declared Proclaimed offender. On 24.04.2022, accused was produced in the Court by PS Dharamgarh and he moved application before learned JMIC for arrest of accused Raj Singh in present case and with the permission of the Court, he was arrested and his arrest memo was prepared. Statements of witnesses were recorded. After completion of necessary formalities, supplementary challan against accused Raj Singh was presented.

CHARGE-SHEET:

3. From the perusal of the report under Section 173 Cr.P.C. and other material on file, a prima facie case for the commission of the offence punishable under Section 29 of NDPS Act was made out against the accused, therefore, charge was framed accordingly vide order dated 15.11.2025 to which he pleaded not guilty and claimed trial. The case was accordingly fixed for prosecution evidence.

PROSECUTION EVIDENCE:

4. In order to substantiate its case, the prosecution has examined PW1 ASI Gurbhej Singh, first Investigating officer of this case who has deposed that he along with other police party was present at Neelawal canal bridge in connection with patrolling and checking of suspected person. ASI Gurbhej Singh received secret information regarding indulgence of Meeto wife of Labh Singh, resident of village Hariau in selling of intoxicant tablets which were supplied by her

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son Raju, who would be going on foot from Chhajla towards Sunam via Neelowal for selling the same. ASI Gurbhej Singh along with other police party members conducted nakabandi at T-point, Ugraha-Chhajla. At about 6:40 pm, one lady was seen coming on foot from village Chhajla side carrying a plastic bag on her head, who on seeing police officials became perplexed and tried to flee away from there. The plastic bag fell on the ground and some boxes of intoxicant tablets scattered on the ground. She was apprehended by police officials. On being inquired, she disclosed her name as Meeto. Ruqa Ex. P1 was sent, on the basis of which FIR Ex. PW1/A was registered. ASI Jagjit Singh along with other police party reached there and he disclosed the entire facts of the case to him and thereafter he left the spot.

5. PW2 HC Khuswinder Singh who is the witness to the recovery of intoxicant tablets and he also has corroborated the version of Investigating Officer ASI Jagjit Singh regarding the recovery of intoxicant tablets from the conscious possession of accused Meeto.

6. PW3 ASI Major Singh has tendered into evidence his affidavit Ex. PW3/A in his examination-in-chief.

7. PW4 HC Mewa Singh has tendered into evidence his affidavit Ex. PW4/A in his examination-in-chief.

8. PW5 retired ASI Jagjit Singh, second Investigating officer of this case has deposed that on 15.04.2021, he was directed by ASI Amandeep Kaur officer incharge to go at the spot as per the guidelines of

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Hon'ble Supreme Court and she also disclosed him about the intimation given by ASI Gurbhej Singh. Upon which he along-with ASI HC Khushwinder Singh and C Palwinder Kaur on his private car along-with laptop and printer etc., visited at T-point Ugrahan-Chhajla turn in the area of village Chhajla where ASI Gurbhej Singh along with SC Gurjeet Singh, SC Amritpal Singh and L/C Kirna Rani along-with one apprehended lady met them and there was a plastic bag consisting of boxes of intoxicant tablets lying near that apprehended lady and on the ground. ASI Gurbhej Singh explained the facts to him and handed over the police papers to him and also produced that lady along-with the plastic bag before him. He inquired from the accused Meeto if she is having any cash or ornaments but she said that she is not having any cash or ornaments and to that effect memo Ex.PA was prepared which was thumb marked by accused Meeto and witnessed by ASI Gurbhej Singh, HC Khushwinder Singh and C Palwinder Kaur. He recorded the statement of ASI Gurbhej Singh and thereafter he left the spot along with his police party. He inquired about the whereabouts of the apprehended lady, on which she disclosed her name as Meeto wife of Labh Singh resident of Hariau. He tried to join independent witness but nobody joined. He checked the above plastic bag from which 44 boxes of tablets make Celcidal 100 SR Tramadol Hydrochloride, each box containing 50/50 strips and each strip containing 10/10 tablets i.e. total 22000 tablets were recovered having batch number UFT022, mfg. 04/2021, exp. 03/2023 and

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the same were put in the same boxes which were further put in the same plastic bag and converted into parcel. The same was sealed by him with his seal bearing impression "JS". Specimen sample seals were prepared, which are Ex. P1 to Ex. P3. Seal after use was handed over to HC Khushwinder Singh. Thereafter the above said case property along-with sample seals were taken into police possession vide recovery memo Ex. P4 which was witnessed by HC Khuswinder Singh and LC Palwinder Kaur and attested by me. The rough site plan Ex. P5 was prepared with correct marginal notes. The accused Meeto was arrested vide arrest cum intimation memo Ex. P6 and personal search was conducted through LC Palwinder Kaur and nothing was recovered from the accused vide personal search memo vide Ex. P7 and all the above said memos were witnessed by above witnesses and thumb marked by the accused Meeto. Her arrest intimation was given to Lali Singh on his mobile phone. In this regard he had recorded the statement of the witnesses. The special report under section 57 NDPS Act was prepared at the spot which is Ex. P8 and it was later on seen by DSP, Dirba, Sh. Mohit Aggarwal, vide endorsement Ex. P9. After returning back to the police station the case property i.e. parcel containing intoxicant tablets alongwith sample seals, accused, witnesses were produced before the SHO/SI Gagandeep Singh. Thereafter, verification by SHO from the accused and witnesses and after perusing the police file and case property and after his satisfaction he put his seal bearing impression "GS" on the case property. He had also put his

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seal impression on sample seal Ex. P1 to Ex.P3 and thereafter as per the directions given by him, he got deposited the case property with the MHC ASI Major Singh Malkhana Munshi. Statement of SHO was recorded.

On 16.04.2021, he withdrew the above case property from the malkhana munshi of Police station and produced the same before learned JMIC, Sunam, Sh. Akashdeep Singh Malwai alongwith the accused vide application Ex. P10. Then the learned JMIC certified the inventory and seen the case property. The Ld. JMIC after breaking open the seals JS/GS took 2 sample of one box each (each box containing 50 strips and each strips containing 10 tablets) from the bulk parcel and resealed the bulk parcel consisting of 42 boxes containing 21000 tablets and sample parcel consisting of 1/1 box i.e. 500/500 tablets with his seal ASM. The Ld. JMIC prepared sample seal Ex. PII and also attested the sample seal Ex.PI to Ex. P3. Form No. 29 Ex. P12 was partially filled. The Ld. JMIC handed over the said parcels to him and directed to deposit the same with FSL, depositing in judicial malkhana and disposal as per rules and passed the order Ex. P13 to this effect. Photographs were also clicked. On return to police station he got deposited the case property with malkhana munshi and accused was lodged in police lock up.

On 19.04.2021, he took bulk parcel and one sample parcel from malkhana munshi and the sample parcel was got deposited in judicial malkhana, Sunam vide application Ex.P14, upon which learned SDJM Ms. Amandeep Kaur passed the order Ex.P15. The bulk parcel was

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got deposited in centralized malkhana, Sangrur. The accused was sent in judicial remand. During investigation malkhana munshi sent the case property to FSL, the report of FSL is Ex. P16. Report of Drug Inspector is Ex.P17 was also obtained upon application Ex.P18. I recorded statement of concerned witnesses. Raids were conducted to arrest accused Raju Singh but he could not be arrested and PO proceedings were initiated against him. FIR in the present case was lodged by ASI Amandeep Kaur which is Ex.P19. After completion of investigation Challan against the accused Meeto was prepared by SHO/SI Gagandeep Singh. At that time the Proclamation proceedings of accused Raj Singh was pending.

9. PW6 SC Sukhwinder Dass has deposed that on 16.04.2021 he was posted as Naib Reader to the then DSP, Dirba. Report under Section 57 NDPS Act relating to present case received in DSP office which was put before Sh. Mohit Aggarwal the then DSP, Dirba. He identified the signatures of Sh. Mohit Aggarwal as he has worked with him and seen him while writing and signing.

10. PW7 Inspector Gagandeep Singh has deposed that on 15.04.2021, ASI Jagjit Singh produced before him accused Meeto, witnesses along with case property sealed with seal "JS" along with sample seals. He verified the facts from the witnesses and accused. After his satisfaction, he sealed the case property with his seal "GS" and also attested sample seal chits Ex.P1 to Ex.P3. Case property was deposited with the MHC ASI Major Singh by the IO on his directions. After

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completion of investigation, challan against accused Meeto was presented by him.

11. PW8 Retired Inspector Karminder Singh has deposed that he received the file of present case for further investigation qua the accused Raj Singh @ Raju on 18.10.2021 as at that time he was posted as ASI at P.S Chhajli. Accused Raj Singh @ Raju was already declared PO. He collected his arrest warrant but he was not found. On 24.04.2022 he received intimation from P.S Dharamgarh that they have apprehended accused Raj Singh @ Raju in other case. On 24.04.2022 P.S Dharmgarh produced the accused in the Court and he moved an application Ex.PW8/A before Ld. JMIC Sunam to grant permission to arrest the accused of present case and with the permission of the Court accused was arrested vide arrest-cum-intimation memo Ex.PW8/B duly witnessed by C Amrinder Singh and he recorded his statement. Intimation regarding his arrest was given to his relative MC Lali Singh on his mobile. He moved an application Ex.PW8/C for judicial remand of accused and Ld. Magistrate passed order Ex.PW8/D and sent him in judicial custody. After that supplementary challan was presented against accused Raj Singh @ Raju.

12. Prosecution evidence was closed by the learned public prosecutor vide his separate statement dated 06.11.2025.

STATEMENT OF ACCUSED UNDER SECTION 313 Cr.P.C:

13. On closure of the prosecution evidence, all the incriminating

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circumstances appearing in the prosecution evidence were put to the accused in his statement under Section 313 Cr. PC. However, the accused denied those allegations. He has submitted that he is innocent. He has not committed any offence. No recovery has been effected from him. He is falsely implicated in the present case by police. In defence, accused did not opt to lead any evidence.

14. I have appraised the entire evidence on record and have heard the learned Additional Public Prosecutor for the State and learned counsel for the accused.

Arguments by learned Additional Public Prosecutor for the State :

15. The learned Additional Public Prosecutor for the State has assiduously argued that the accused Raju Singh has been nominated as accused for supplying intoxicant tablets to co-accused Meeto, who has already been convicted. Prosecution has examined all the witnesses who have proved the fact that accused Raju Singh used to supply intoxicant tablets to co-accused Meeto and as such, he is liable to be convicted under Section 29 NDPS Act.

Arguments by Learned Counsel for accused:

16. Per contra, the learned counsel for the accused has argued that accused has been falsely implicated in the present case perhaps no evidence has been placed on record to prove the association of accused Raj Singh with co-accused Meeto nor any witness has been examined who could prove that accused has ever supplied any intoxicant tablets to

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co-accused Meeto. No telephonic message, bank details showing any economic transaction interse between accused and co-accused have been proved on record to substantiate the averments of the prosecution concerning the involvement of accused in this case.

Points of Determination:

17. From the above said arguments, following points for determination arise within the purview of Section 393(1)(b) of BNSS earlier Section 354(1)(b) of Cr.P.C. which are as under:

- I. Whether the prosecution has been able to prove that accused Raj Singh has supplied intoxicant tablets to co-accused Meeto?
- II. Relief and Findings.

FINDINGS

- I. **Whether the prosecution has been able to prove that accused Raj Singh has supplied intoxicant tablets to co-accused Meeto?**

18. The present case is based on the allegations that the police had received secret information that Meeto is habitual of selling intoxicant tablets and Raju used to supply the same to her and on that day Meeto will go from village Chhajla to Sunam via Neelowal. Police party laid naka. However, only Meeto was apprehended and Raju Singh has been nominated as accused only on the basis of secret information. The other evidence in the case is not being discussed here while deciding this trial as Meeto who is the main accused in the case has already been convicted vide Judgment dated 28.03.2023. As such, there is no benefit in

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discussing the evidence relating to her. So far as the accused Raj Singh alias Raju is concerned, there is no evidence on record against the accused Raj Singh except from the secret information. Even no call detail record or phone number of Raj Singh has been brought on record to show his stated connection with the co-accused Meeto.

19. So far as the question of supplying the stated intoxicant tablets by accused Raju is concerned, no evidence has been lead nor has any witness been examined by the prosecution in the case who could have proved that the stated tablets were supplied by Raju. No telephonic links, CDR, economic transactions or any other connecting evidence has been produced which could show that accused Raju was having any affiliation with accused Meeto. Prosecution has miserably failed to prove the participation and culpability of Raju in the case.

20. Merely because the secret information contains the name of accused Raju that is not sufficient to ascertain his culpability in the absence of any other credible evidence on record. NDPS Act is a stringent law which provides strict punishment. Higher the punishment, higher is the degree of proof required for convicting the accused. An accused can not merely be convicted by guess work on the basis of conjectures and surmises. Convicting the accused just on the basis of his name figuring in the secret information will be a sheer guess work and will be against objects of the NDPS Act and against the golden rule of criminal jurisprudence that a person shall be presumed to be innocent until and

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unless proven guilty and that the burden of proof saddled on the prosecution under Section 35 of the NDPS Act is beyond reasonable doubt. No witness has been cited to prove the inter se connection of Raju with Meeto. In this view of the matter, the prosecution has miserably failed to prove its case against accused Raju and he is accordingly acquitted by cautiously giving him the benefit of doubt. Case property is ordered to be confiscated to the State of Punjab and be dealt as per law after the expiry of period of appeal or revision, if any preferred. File be consigned to the record room after due compliance.

Announced: 10.07.2026

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