

**IN THE COURT OF MS. SANJEETA,
JUDGE, SPECIAL COURT, SANGRUR
(Unique Identification Code PB-0177).
*_*_*_***

CNR No.PBSG01-002075-2025
CIS No.NDPS/95/2025
Date of decision: 04.07.2026

State of Punjab

Versus

Manpal Singh @ Mani son of Baldev Singh, resident of near Kunrawala
Adda, Naik Patti, village Duggan, P.S. Longowal, District Sangrur,

..... Accused

FIR No.07 dated 13.01.2025
U/s 21 of ND&PS Act
Police Station City-1 Sangrur.

Present: Shri Munish Singla, Id.Addl. Public Prosecutor for State.
Accused on bail in this case but in custody in some other case
(produced through VC) represented by Shri S.S. Grewal,
Advocate

JUDGMENT

- 1) Officer Incharge P.S. City-1 Sangrur has sent up the accused to face trial for having committed offence under Section 21 NDPS Act.
- 2) Prosecution story, in brief, is that on 13.01.2025, accompanied by other police officials, ASI Jaswinder Kumar was going from minor canal bridge Ubhawal road towards minor canal bridge Barnala road on government vehicle No.PB-13AW-4113 driven by Const. Ramandeep Singh in connection with patrolling and checking of suspects; that at about 04:40 PM, when the police party reached 500 meters ahead on the passage of minor canal, they spotted one person sitting on the left side near ditches, who, seeing the police vehicle became perplexed and threw the transparent polythene from his left hand and tried to escape but was apprehended. On

being questioned, said person disclosed his name as Manpal Singh @ Mani and other particulars. Efforts were made to join independent witness but no one joined. The heroin was visible in transparent polythene and notice under Section 50 of NDPS Act was served upon the accused. ASI Jaswinder Kumar then got the polythene picked up from accused and on being checked and weighed, it was found containing 10 grams heroin which was packed in a parcel and sealed with seal impression 'JK'. Sample seal chits were prepared. Seal after use was handed over to ASI Ram Singh. The case property and sample seal chit were taken into police possession. By sending ruqa through PHG Khushpreet Singh, FIR was got registered. Rough site plan was prepared. Accused was arrested and intimation qua his arrest was given to his friend Babbu Badrukhan. His arrest-cum-intimation and personal search memos were prepared. On return to the police station, accused along with case property and the witnesses was then produced before SHO/SI Manjit Singh, who verified the facts from accused and the witnesses and then counter-sealed the case property with his seal bearing mark 'MS'.

3) On 14.01.2025, ASI Jaswinder Kumar withdrew the case property from MHC and produced it before the Court of Sh.G.S. Sekhon, the Id.ACJM, Sangrur. Ld.ACJM broke open the previous seals of parcel i.e. JK/MS and resealed the parcel with seals bearing mark GSS/JK and the words 'Secret Drug Sample' were written thereon. On return to the police station, the parcel alongwith sample seal was deposited with the MHC/LSC Sandeep Kaur for sending the same to the office of FSL Mohali. Due to

strike in the office of FSL, parcel could not deposited in the office of FSL and after end of the strike, the parcel was got deposited through LC Amandeep Kaur vide rod certificate No.34 dated 17.02.2025. After receipt of report of FSL and upon completion of investigation, challan was presented in the Court.

4) On presentation of challan and appearance of the accused in the Court, copies of challan were supplied to the accused free of cost as required under Section 207 Cr.P.C.

5) Finding prima facie case made out against accused under Section 21 of ND&PS Act, charge was framed against the accused, to which he pleaded not guilty and claimed trial.

6) In order to prove its case, prosecution has examined the following witnesses:-

- PW-1: ASI Ram Singh (witness to recovery)
- PW-2: ASI Jaswinder Kumar (IO)
- PW-3: LSC Sandeep Kaur (MHC),
- PW-4: Inspector Manjit Singh (SHO)
- PW-5: LC Amandeep Kaur (sample carrier)

Ld.Addl. Public Prosecutor for the State then closed evidence on behalf of prosecution.

7) Statement of accused was recorded under Section 313 Cr.P.C. and all the incriminating evidence appearing against accused was put to him to which he denied and pleaded false implication. Accused did not opt to lead evidence in his defence.

8) It was the arguments of ld.Addl. Public Prosecutor for the

State that on 13.01.2025, accused Manpal Singh @ Mani was found in conscious possession of 10 grams heroin and the recovery stands proved from the testimony of PW-2 ASI Jaswinder Kumar who apprehended the accused and effected recovery and his testimony is corroborated by the testimony of PW-1 ASI Ram Singh witness to recovery. Report of FSL Ex.PX stands connected with the recovery effected from accused from the testimony of PW-4 Inspector Manjit Singh before whom the case property was produced by ASI Jaswinder Kumar and further corroborated by the testimonies of LSC Sandeep Kaur PW-3 (MHC) and LC Amandeep Kaur PW-5 (Sample Carrier). So, accused is liable to be convicted.

9) Per contra, ld.Defence Counsel has vehemently opposed the arguments of ld.Addl. Public Prosecutor for State alleging that no independent witness was joined by the Investigating agency at the time of recovery. Compliance of Section 50 of ND&PS Act has not been made. There are discrepancies in the testimonies of PW-3 LSC Sandeep Kaur and LC Amandeep Kaur PW-5. Accused has been falsely implicated. He has prayed for the acquittal of accused.

10) Out of the arguments advanced by ld.Addl. Public Prosecutor for State and ld.Defence Counsel, following point of determination arises:

"Whether accused was found in conscious possession of 10 grams heroin containing salt Diacetylmorphine on 13.01.2025?"

11) To bring home the guilt of accused, prosecution has examined **PW-2 ASI Jaswinder Kumar** who stated that on 13.01.2025, accompanied by other police officials, he was going towards minor canal bridge Barnala

road and at about 04:40 PM, when the police party reached 500 meter ahead on the passage of minor canal, accused was spotted, who, seeing the police party became perplexed and threw the transparent polythene and tried to escape but was apprehended. On being questioned, he disclosed his name as Manpal Singh @ Mani and other particulars. Heroin was visible from the transparent polythene. He apprised accused of his legal right to get the search of polythene conducted in the presence of a Gazetted Officer or Magistrate but he reposed trust in him and got his consent memo Ex.P1 recorded. On weighing, the heroin came out to be 10 grams which was packed in a parcel and sealed with seal impression 'JK'. Sample seal chits Ex.PA to Ex.PC were prepared. Seal after use was handed over to ASI Ram Singh. The case property and sample seal chit were taken into police possession vide memo Ex.P2. By sending ruqa Ex.P3, FIR Ex.P4 was got registered. Rough site plan Ex.P5 was prepared. Accused was arrested vide memo Ex.P6 and his personal search was conducted vide memo Ex.P7. Special report under Section 57 NDPS Act Ex.P8 was prepared and the endorsement in this regard is Ex.P9. On return to the police station, accused along with the case property and witnesses was then produced before SI Manjit Singh, who verified the facts from accused and witnesses and counter-sealed the case property with his seal bearing mark 'MS'. His testimony is corroborated by the testimony of **PW-1 ASI Ram Singh**.

12) PW-2 ASI Jaswinder Kumar deposed that on next day i.e. 14.01.2025, he withdrew the case property from MHC and produced it before Id.CJM through an application and Id.CJM passed order Ex.P12.

Case property was then deposited with MHC. Form no.6 is Ex.P13. Report of FSL is Ex.PX.

13) To connect the report of FSL with the recovery effected from accused, prosecution has examined **PW-4 Inspector Manjit Singh** who stated that on 13.01.2025, IO produced before him a parcel containing 10 grams heroin sealed with seal 'JK' along with accused. He then verified the facts from accused and the witnesses and counter-sealed the case property and the sample seal chit Ex.PA to Ex.PC with seal impression 'MS'. Case property was then deposited with MHC.

14) Prosecution further examined **PW-3 LSC Sandeep Kaur** who deposed through her affidavit Ex.PW3/A that on 13.01.2025, ASI Jaswinder Singh deposited one parcel containing 10 gram heroin sealed with seals JS/MS along with sample seal slip in the Police Malkhana which was then withdrawn by him for production in the Court on 14.01.2025 and after being produced in the Court, ASI Jaswinder Singh redeposited the said parcel sealed with seal bearing GSS/JK along with sample seal slip and the parcel was ordered to be deposited to the office of FSL Mohali. On 15.01.2025, she handed over the said parcel to LC Amandeep Kaur and directed her to deposit the same in the office of FSL Mohali after getting it forwarded from the office of Id.SSP who though got it forwarded from the office of SSP Sangrur but the same could not be deposited due to strike in the office of FSL and the same was redeposited with her and then the same was got deposited through LC Amandeep Kaur in the office of FSL on 17.01.2025 and produced the receipt. Her testimony is corroborated by the

testimony of **PW-5 LC Amandeep Kaur** who deposed through her affidavit Ex.PW5/A but stated that parcel was deposited by her in the office of FSL on 17.02.2025 and it was handed over to her also on the same date.

15) I have considered the submissions made by Id.Addl. Public Prosecutor for State as well as Id.Defence Counsel and have gone through the record.

16) Accused Manpal Singh @ Mani has been charged for having been found in conscious possession of 10 grams of heroin. The criminal law was set into motion by PW-2 ASI Jaswinder Kumar who, while on police patrolling was going towards minor canal bridge Barnala road and reached 500 meters ahead on the passage of minor canal on 13.01.2025 at about 4:40 PM and apprehended the accused and effected the recovery of 10 grams heroin from the polythene thrown by him seeing the police party, which was converted into a parcel and sealed with seal bearing impression 'JK' and taken into police possession vide memo Ex.P2.

17) Report of FSL Ex.PX stands connected with the recovery effected from accused from the testimony of PW-2 ASI Jaswinder Kumar who produced the parcel containing 10 grams heroin sealed with seal bearing mark 'JK' along with sample seal slips before PW-3 Inspector Manjit Singh who counter sealed the parcel and sample seal chits with his seal impression 'MS'. The case property was then deposited with MHC/LSC Sandeep Kaur on 13.01.2025 sealed with seals 'JK/MS' and after producing in the Court, the parcel of 10 grams heroin sealed with seals impression 'GSS/JK' was deposited with MHC. On 15.01.2025,

MHC then handed over the said parcel along with sample seal slip to LC Amandeep Kaur who got it forwarded from the office of Id.SSP Sangrur but the parcel could not be deposited due to strike in the office of FSL and the same was redeposited with MHC and then the same was got deposited through LC Amandeep Kaur in the office of FSL on 17.02.2025. Her testimony is corroborated by the testimony of PW-5 LC Amandeep Kaur who deposed through her affidavit Ex.PW5/A.

18) Ld.Defence Counsel for the accused has submitted that no independent witness was joined by the investigating agency at the time of alleged recovery. PW-2 ASI Jaswinder Kumar has admitted that no independent witness was joined at the spot nor any Panch/Sarpanch/MC was called at the spot. Similar is the version of PW-1 ASI Ram Singh witness to the recovery. However, PW-2 ASI Jaswinder Kumar has clarified that he tried to join independent witness, but no one joined. So, due justification has been furnished qua non joining of independent witness. Even if no independent witness has been joined by the prosecution that would not shatter the credibility of the prosecution witnesses, who have in one line deposed about the mode and manner of recovery 10 grams heroin from accused. Honorable Supreme Court of India in **Akmal Ahmad Vs. State of Delhi, 1999 (2) R.C.R. (Criminal) 265**, has observed that evidence of search and seizure will not vitiate solely for the reason that evidence was not supported by any independent witness. Once the testimony of police official witnesses is worthy of credit and does not suffer from any ill-will or malice, no benefit can be given to the accused due to non-joining of any

independent witness by the Investigating Officer. In **Ram Sarup Vs. State (Govt. of NCR Delhi), 2013(3) R.C.R. (Criminal) 946**, it has been held by the Hon'ble Apex Court that there is no absolute rule that police officers cannot be cited as a witness and their depositions should be treated with suspect. Court cannot start with the presumption that police records are untrustworthy. Thus, the case of prosecution cannot be thrown overboard merely because of non-examination of independent witness or non joining of independent witness.

19) Ld.Defence Counsel have also submitted that compliance of Section 50 of ND&PS Act has not been made. PW-2 Jaswinder Kumar and PW-1 ASI Ram Singh have admitted that recovery was not effected in the presence of a Gazetted Officer or Magistrate. In this case, recovery was not effected from the personal search of accused rather it was effected from the polythene which was thrown by him seeing the police party. So, compliance of Section 50 of ND&PS Act was not required. Hon'ble Apex Court in **Ranjan Kumar Chadha Vs. State of Himachal Pradesh, Crl. Appeal No.2239-2240 of 2011, decided on 06.10.2023**, was pleased to observe that if the recovery is from a bag in the possession of the accused and is not directly from the person, the formalities under Section 50 of ND&PS Act are not required to be complied with. Hence, in the present case, there was no requirement of compliance of Section 50 of ND&PS Act when recovery was not effected from the person of accused.

20) Another plea raised by Ld.Defence Counsel was that there are discrepancies in the testimony of PW-4 LSC Sandeep Kaur. LSC Sandeep

Kaur PW-4 has stated that parcel containing 10 grams heroin sealed with seals JS/MS was deposited with her by ASI Jaswinder Singh but ASI Jaswinder Kumar PW-2 has submitted that parcel containing 10 grams heroin sealed with seal impressions JK/MS was deposited by him with the MHC and even PW-4 Inspector Manjit Singh has submitted that parcel containing 10 grams heroin sealed with seal impression 'JK' was produced before him which was counter sealed by him with his seal bearing impression 'MS'. So, there appears to be misconception on the part of LSC Sandeep Kaur with regard to the name of Investigating Officer as Jaswinder Singh instead of Jaswinder Kumar and as such, she had erred in disclosing that the parcel sealed with seals JS/MS was deposited with her whereas, the sample seal slip clarifies that parcel was sealed with seals JK/MS. So, this discrepancy does not go to the root of the case.

21) Another discrepancy pointed out is that as per the testimony of PW-4 LSC Sandeep Kaur, the parcel was got deposited in the office of FSL on 17.01.2025 whereas, sample carrier LC Amandeep Kaur has stated that parcel was deposited in the office of FSL on 17.02.2025. There appears to be typographical error in mentioning the date as at one place it has been mentioned that parcel was sent on 17.02.2025 through LC Amandeep Kaur. The testimony of LC Amandeep Kaur is further corroborated by the report of FSL which shows that parcel was deposited by her in the office of FSL on 17.02.2025. So, discrepancy in the testimony of LSC Sandeep Kaur in mentioning the date as 17.01.2025 when the parcel was deposited in the office of FSL on 17.02.2025 stands duly explained by LC Amandeep Kaur.

22) Ld.Defence Counsel for accused has though alleged that accused has been falsely implicated but no motive of his alleged false implication has been attributed by him to the official witnesses.

23) So, from the evidence led on record, prosecution has succeeded in proving the charge levelled against accused Manpal Singh @ Mani under Section 21 ND&PS Act having been found in conscious possession of 10 grams heroin containing salt Diacetylmorphine and as such, he is held guilty and convicted under Section 21 of ND&PS Act. Let, convict be taken into custody in this case and be heard on the quantum of sentence.

**Pronounced in open Court.
July 04, 2026**

**sd/-
(Sanjeeta),
Judge, Special Court,
Sangrur (UID-PB0177)**

ORDER ON QUANTUM OF SENTENCE

Present: Shri Munish Singla, Id.Addl. Public Prosecutor for the State.
Convict Manpal Singh in custody
Shri S.S. Grewal, Advocate, defence Counsel.

1. I have heard the convict on the quantum of sentence. Convict Manpal Singh has submitted that he is a poor person and has to support his family. He has prayed that lenient view may be taken.

2. On the other hand, Id.Additional Public Prosecutor the State has opposed the request.

3. After hearing their respective submissions and keeping in view of the facts, circumstances and antecedents of the convict, it is not in dispute that he is not a previous convict. The prosecution has been able to

prove that recovery of 10 grams heroin inclusive of weight of polythene has been effected from convict. So, keeping in view the age and antecedents of convict and the recovery effected, he is sentenced as under:-

Offence	Sentence	Fine	In default of payment of fine
U/s 21 of ND&PS Act	RI for One month	To pay fine of Rs. 500/-	RI for one week.

4. The period during which the convict has remained in custody during investigation or trial shall be set off against the above said substantive sentence. Contraband be destroyed, after withdrawal of 'representative sample', as per rules, for purpose of appeal or revision thereof, if any. Convict Manpal Singh has already undergone the sentence imposed and deposited the fine amount, so, he is ordered to be released in this case if not required in any other case and intimation in this regard be sent to concerned Jail Authorities. Copies of this judgment be also sent to the concerned police station and Id.Chief Judicial Magistrate, Sangrur for destruction of contraband under rules. File be consigned to the record room after due compilation.

Pronounced in open Court
July 04, 2026

sd/-
(Sanjeeta),
Judge, Special Court,
Sangrur (UID-PB0177)

Rajinder Singh Stenographer-I

Directly dictated and typed on the computer.

sd/-
Sanjeeta/JSC, Sgr/04.07.2026