

**IN THE COURT OF DR SUKHWINDER SINGH,
CHIEF JUDICIAL MAGISTRATE,
RUPNAGAR/(UID NO.PB0332)**

CNR No. PBRO-03-002368-2026**Case No. NDPS/252/2026****Presented on : 04-07-2026****Registered on : 04-07-2026****Decided on : 13-07-2026****STATE****VERSUS**

**HARSHDEEP SINGH ALIAS HARSHU SON OF DALBIR SINGH,
RESIDENT OF PREM NAGAR, AASRON, SBS NAGAR.**

.....ACCUSED

**FIR NO.136 DATED 11.06.2026
U/S 27-61-85 OF NDPS ACT
POLICE STATION: CITY RUPNAGAR.**

**Present: Ms. Lovepreet Kaur, APP for the State.
Accused Harshdeep Singh on bail represented by Free Legal
Aid counsel Ms. Sumandeep Kaur, Advocate, Assistant
LADC, Rupnagar.**

JUDGMENT

1. The accused has been sent up by the Station House Officer of Police Station City Rupnagar to face the trial for offence **under Section 27-61-85 of Narcotic Drugs and Psychotropic Substances Act, 1985.**

2. **Succinctly**, the prosecution case is that on 11.06.2026 at about 06:30 PM, in the area near Youth Hostel, Rupnagar, accused Harshdeep Singh was found in suspicious state under the influence of

drugs and as per dope test report of accused, he was found positive of **Benzodiazepines and Opiates (morphine)**, thus accused **committed an offence punishable under Section 27 of Narcotic Drugs and Psychotropic Substances Act, 1985**. Thereafter, matter was reported to the police. Police proceedings were initiated by HC Varinder Singh (hereinafter referred to as Investigating Officer). Site plan was prepared. Statements of witnesses were recorded. Accused was arrested. Relevant memos were prepared. Upon completion of investigation, challan was presented in the Court against accused.

3. On appearance, copies of documents along with report were supplied to the accused free of costs as envisaged under **Section 230 BNSS**.

4. After hearing learned APP and defence counsel, **prima facie case was found to have been made out against accused under Section 27 of Narcotic Drugs & Psychotropic Substances Act, 1985**. Accused was charge-sheeted accordingly. Contents of charge were explained and read over to accused in simple language to which accused pleaded not guilty and claimed trial.

5. Onus to prove the case was on prosecution and in order to prove its case, prosecution examined **Investigating Officer HC Varinder Singh as PW-1 and Dr. Pooja, Medical Officer as PW-1 and** . Thereafter, learned APP for State closed prosecution evidence.

6. The accused was examined under Section 351 BNSS by

putting entire incriminating evidence to which he has denied and pleaded that he is innocent and has committed no offence. He has been falsely implicated. He did not opt to lead evidence in defence.

7. I have heard learned APP and learned defence counsel and gone through the record on file very carefully.

8. The APP for the State has vehemently argued that the prosecution has successfully proved the case beyond any reasonable doubt that on 11.06.2026 at about 06:30 PM, in the area near Youth Hostel, Rupnagar, accused Harshdeep Singh was found in suspicious state under the influence of drugs and as per dope test report of accused, he was found positive of **Benzodiazepines and Opiates (morphine)** and the material witnesses i.e. Investigating Officer and concerned doctor have been examined, who proved the case of the prosecution against the accused beyond shadow of any reasonable doubt and accordingly accused be convicted.

9. Per Contra, the learned defence counsel for accused refuted the assertions made by APP and has fervently contended that the prosecution has not proved the case against accused beyond any reasonable doubt as no independent witness was joined by the prosecution and there is no linkage of evidence to connect the accused with the commission of offence. There are material contradictions in depositions of the prosecution witnesses. Hence, it is prayed that the accused be acquitted.

10. After hearing the rival contentions of APP and defence

counsel and from perusal of the material on record, the points for the determination before this Court emerge out are that:-

- (A) **WHETHER ON 11.06.2026 AT ABOUT 06:30 PM, IN THE AREA NEAR YOUTH HOSTEL, RUPNAGAR, ACCUSED HARSHDEEP SINGH WAS FOUND IN SUSPICIOUS STATE UNDER THE INFLUENCE OF DRUGS AND AS PER DOPE TEST REPORT OF ACCUSED, HE WAS FOUND POSITIVE OF BENZODIAZEPINES AND OPIATES (MORPHINE)?**
- (B) **WHETHER THE PROSECUTION HAS BEEN ABLE TO PROVE ITS CASE AGAINST THE ACCUSED BEYOND SHADOW OF ANY REASONABLE DOUBT?**

POINTS (A) & (B)

11. It was incumbent upon the prosecution to bring home the guilt of the accused beyond any reasonable doubt. After hearing the rival contentions of both learned APP as well as learned counsel for accused and from perusal of the evidence on record, this Court is of the considered opinion that **prosecution has successfully proved the offence under Section 27 of Narcotic Drugs and Psychotropic Substances Act, 1985** against the accused.

12. To prove the commission of offence by the accused, prosecution examined the material witness i.e. **Investigating Officer HC Varinder Singh as PW-1** who supported the case of the prosecution and reiterated all the facts as mentioned in the police report. He proved on record documents i.e. dope test report of accused Ex.PW1/A, police proceedings Ex.PW1/B, FIR Ex.PW1/C, endorsement regarding registration of FIR Ex.PW1/D, site plan Ex.PW1/E, arrest memo and

personal search memo of accused Ex.PW1/F and Ex.PW1/G respectively, ground of arrest of accused Ex.PW1/H, application under Section 64-A NDPS Ex.PW1/I.

13. Further, **Dr. Pooja, Medical Officer as PW-2** also supported the case of the prosecution by deposing that on 11.06.2026, she conducted the dope test Ex.PW1/A of patient Harshdeep Singh alias Harshu.

14. Learned defence counsel has cross-examined PW-1 and PW-2, but nothing fruitful could be extracted out of their cross-examinations which could extend any benefit to the accused. Moreover, the witnesses examined by the prosecution are official witnesses, having no enmity with the accused and even no evidence has been led by the accused to prove that the officials were having enmity with him, due to which false case has been registered against him.

15. **On the other hand**, the accused has taken a plea that he has been falsely implicated in the present case. The stand of accused in response to his examination **u/s 351 of BNSS** was that of general denial and no explanation is given for his false implication. Moreover, the accused did not examine any witness in his defence. Hence, there is no merit in the argument advanced by learned defence counsel for false implication of the accused. Hence, in view of the above facts and circumstances available on record it cannot be concluded that prosecution story is untrustworthy. The entire evidence led by the prosecution remains un rebutted and unchallenged as accused failed to lead any evidence in defence to rebut the evidence led by the prosecution.

16. The another contention of learned defence counsel that there are material contradictions in the depositions of prosecution witnesses is also not sustainable for the reason that the learned defence counsel has failed to bring on record any material contradiction in the testimonies of PW-1 and PW-2.

17. Hence, taking into account the totality of facts and circumstances and the material available on record with due care and circumspection, this court is of the considered view that the prosecution has successfully proved its case against the accused beyond any reasonable doubt that as per dope test report, he was found under the influence of intoxicants. Accordingly, accused **Harshdeep Singh alias Harshu** is convicted **under Section 27 of Narcotic Drugs Psychotropic Substances Act, 1985**. Let he be taken into custody and heard on the quantum of sentence.

Pronounced in open Court:

Dated:13.07.2026

**(Dr. Sukhwinder Singh)
Chief Judicial Magistrate,
Rupnagar (UID No.PB-0332)**

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QUANTUM OF SENTENCE

Present: **Convict Harshdeep Singh alias Harshu in custody represented by counsel Ms. Sumandeep Kaur, Advocate, Assistant LADC, Rupnagar.**
Ms. Lovepreet Kaur, APP for the State.

18. I have heard the convict and the learned APP for the State on the quantum of sentence. The convict has pleaded that he is poor person. He is to look after his family. He is first time offender. He further prayed for taking lenient view against him. **On the other hand**, learned APP for

State prayed for stringent punishment for convict. Therefore, keeping in view the antecedent and nature of the case, convict is ordered to pay fine of **Rs.1,500/-** for committing offence under **Section 27 of NDPS Act** and in default of payment of fine, convict will undergo simple imprisonment for one month. **Fine paid. Receipt issued.** Copy of judgment be provided to the convict free of costs. Earlier, bond stands discharged. Case property, if any, be dealt/disposed of as per rules after the expiry of period of appeal/revision, if any. File be consigned to the record room after due compilation.

Pronounced in open Court:

Dated:13.07.2026

**(Dr. Sukhwinder Singh)
Chief Judicial Magistrate,
Rupnagar (UID No.PB-0332)**

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Present: **Ms. Lovepreet Kaur**, APP for the State.
Accused Harshdeep Singh on bail represented by Free Legal Aid counsel Ms. Sumandeep Kaur, Advocate, Assistant LADC, Rupnagar.

PW-1 HC Varinder Singh and PW-2 Dr. Pooja, Medical Officer have been examined completely. No other PW is present.
Learned APP for the State closed evidence in prosecution.

Statement of accused under Section 351 BNSS has been recorded, wherein, he did not opt to lead evidence in defence.

Arguments heard. Vide my separate detailed judgment of even date, **accused** has been convicted and fine as stated therein. Copy of judgment be provided to the convict free of costs. Earlier, bond stands discharged. Case property, if any, be dealt/disposed of as per rules after the expiry of period of appeal/revision, if any. File be consigned to the record room after due compilation.

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