

State of H.P. Vs. Hari Singh @ Ghannu
ND & PS Act Regd. No. 102 of 2022

PW-1 Statement of Prittam Singh son of Sh. Inder Singh age 50 years r/o village Thana, P.O. Gopalpur, Tehsil Sarkaghat, District Mandi, H.P.

On Oath
14.03.2024

Stated that in the year 2022, I had taken on lease 'Kanan Bhojnalaya', which is situated on the Four lane between Nagchala and Dadour.

On 21.09.2022, I was present in my Dhaba. About 1:30 PM, police official Rajat came to my Dhaba and apprised me that they had detained one person in fourlane and have doubt that person must be carrying some illegal article/stolen property in his carry bag and they intend to take the search of the carry bag. The police official asked me to accompany to the spot. I readily agreed and went to the spot with police official Rajat. On spot, there was police team and SI Rajat Rana. The accused present in the court was also on the spot (identified correctly). The accused was carrying a carry bag in his hand, but I do not remember in which hand. After some time, the Vice President of Nagar Parishad Nerchowk also came on the spot. The police party told us that they want to check the carry bag, which is in the hand of accused. The other witness gave his introduction, however, I do not remember his actual name today, he is also called as Bunty. The police party asked the name of accused, who disclosed his name as Hari Singh r/o Bhangrotu. Thereafter, the police party asked the accused to take their search and the I.O. kit carried by the police party, however, the accused refused for the same. Thereafter, the carry bag from the hand of accused was taken by the police and was checked. The carry bag had words 'Welcome' on it. The carry bag was checked and inside the carry bag, there was

one handkerchief came out and on checking the handkerchief, there was one polythene packet and inside that polythene packet, there was black colour substance. The black colour substance was taken out and was checked by the police officials and found to be Charas. The recovered Charas was weighed with the help of electronic weighing machine brought by police and was 125 grams. The recovered Charas was again put back in the same manner, how it was recovered i.e., it was put in a poly packet then the poly packet was placed on handkerchief and the handkerchief then placed in the carry bag . The carry bag then placed in a cloth parcel and the cloth parcel was sealed with seal impression BLH G. Sample seal was drawn on a separate piece of cloth, which is **Ext. P-1/PW-1**, which bears my signature within red circle. The seal was also embossed by police on form and thereafter the same was handed to me. I have brought the seal in the Id. Court and the same is shown (the seal is retained by the Id. Court).

Thereafter, the police party requested me that they want to do the written proceedings, hence, I offered them to come to my Dhaba and do the written proceedings. Police party came to my Dhaba and prepared memo **Ext. P-2/PW-1** and took the sealed parcel in possession vide Ext. P-2/PW-1 and I signed the same as witness which are within red circles. The memo was also signed by other witness, which is within red circle-B and the memo was also signed by accused Hari Singh and police officials. The police party had also clicked the photographs on the spot, at the time of handing seal to me and in my Dhaba at the time of doing the written proceedings, which are **Ext. P-3/PW-1** to **Ext. P-11/PW-1**. My statement was also recorded by the police.

At this stage, Id. SPP for State has produced one sealed cloth parcel **Ext. MO-1** brought by HHC Jai Singh

No.204, vide GD entry No.10, dated 14.03.2022, P.L. Mandi and permission is sought to cut open and show the parcel to the witness. Request is considered and allowed. The parcel is sealed with 6 seals of BLH G, 2 seals of impression D, 3 seals of impression FSL-II and 2 seals of impression ACJM MDI. All seals are found intact. The parcel is opened by breaking open all the seals.

Parcel Ext. MO-1 shown to the witness, who has identified his signature within red circle.

On opening the parcel Ext. MO-1, one carry bag **Ext. MO-2** with words 'Welcome', came out and on opening the same one white colour handkerchief with strips **Ext. MO-3** and on opening the handkerchief, one plastic packet **Ext. MO-4** came out and on opening the knot of plastic packet Charas **Ext. MO-5** came out, which is the same recovered from the possession of accused and taken in possession vide memo Ext. P-2/PW-1. The witness has identified the same.

xxx by Sh. Hukam Verma, Advocate for accused.

I was running the Dhaba from the year 2021. It is incorrect that there are other Dhaba and shops adjoining to my Dhaba, however, there is a petrol pump. It is correct that it is fourlane and there are free flow of traffic. At the time, 4 to 5 persons were working in my Dhaba. There was one kitchen and the other was sitting area. I do not remember the exact time, when police official came to my Dhaba, it may be 1-1:30 PM and the name of police official was Rajat. At that time, 2 persons were taking meals in my Dhaba. Police official Rajat spoke to me five minutes and informed me and soon thereafter, I accompanied him. My Dhaba is on the right side on way from Mandi to Sundernagar. The spot where the accused was detained is about 200 meters from my Dhaba. There is no other Dhaba in between the spot and my Dhaba. The spot is towards

Sundernagar side from my Dhaba. There were 3 police officials on the spot when I reached there. It is correct that vegetable vendors were also there. Vice President came after 15-20 minutes. It is incorrect to suggest that only police officials were present on the spot. The spot was on the left side of the road. It is incorrect that when we reached on the spot, the alleged carry bag was in the earth. I do not remember which hand the carry bag was. We remained on spot for half an hour. Police did not stop any vehicles during the proceedings of this case. It is incorrect that I am stock witness of the police. It is correct that at that time police was not having any weighing machine. Self stated that they brought the weighing scale from their police vehicle. It is correct that the weighing scale was brought by the police when we reached my Dhaba. It is incorrect that all the photographs were stage managed. It is incorrect that no carry bag was found in the possession of the accused nor any contraband was recovered from the carry bag of accused. It is correct that police party usually come to my Dhaba for having tea. It is incorrect to suggest that the bag was planted against the accused. It is incorrect that I am deposing falsely.

R.O. & A.C.

(Jia Lal Azad)
Special Judge (Family Court),
Mandi, District Mandi, H.P.

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PW-2 Statement of Dev Raj, presently posted Dy.S.P.
(Headquarters) Mandi, District Mandi, H.P.

On Oath
14.03.2024

Stated that I am posted Dy. S.P. headquarters
Mandi since the year 2022.

On 22.09.2022, at 3:40 PM, I received special
report **Ext. P-12/PW-2** in my office through HC Harish Kumar
No.24. I made the endorsement on the same which is within
red circle and directed my reader HC Sanjeev Kumar No.151 to
keep the special report safely and entered the same in special
reported register. After making the relevant entry at serial No.78
in special reported register, the same was placed before me
and I signed the same against the relevant entry. The abstract
of which is **Ext. P-13/PW-2** and my signatures are within red
circle.

xxx by Sh. Hukam Verma, Advocate for accused.

It is incorrect that no special report was handed to
me by HC Harish Kumar nor did I handed the same to my
reader HC Sanjeev for making the entry in the special reported
register. It is incorrect that false entry has been made later on.
It is incorrect that I am deposing falsely being police official.

R.O. & A.C.

(Jia Lal Azad)
Special Judge (Family Court),
Mandi, District Mandi, H.P.

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PW-3 Statement of C. Durga Dass No. 695, presently posted
in P.S. Sundernagar, District Mandi, H.P.

On Oath
14.03.2024

Stated that in the year 2022, I was posted in P.S.
Balh on general duty.

On 23.09.2022, one sealed cloth parcel sealed with
6 seals of BLH G, 2 seals of D, 2 seals of Id. ACJM MDI along
with docket was handed to me by Malkhana Moharar, HC
Dinesh Kumar No.25 vide RC No. 300/22 **Ext. P-14/PW-3** with
direction to deposit the same in SFSL Junga. I deposited the
same on the same day and on my return handed the receipt to
Malkhana Moharar. The case property remained intact till it
remained in my possession.

xxx by Sh. Hukam Verma, Advocate for accused.

It is incorrect that no case property was handed to
me by Malkhana Moharar nor did I deposit the same in SFSL
Junga. I cannot tell the name and designation of the person
with whom I deposited the case property. It is incorrect that the
case property has been tampered with. It is incorrect that I am
deposing falsely being police official.

R.O. & A.C.

(Jia Lal Azad)
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Statement of Smt. Navina Rahi, Id. SPP for State.

Without Oath
14.03.2024

Stated that I give up PW Param Dev, who is present
in the court, being repetitive and of the same sequence.

R.O. & A.C.

(Jia Lal Azad)
Special Judge (Family Court),
Mandi, District Mandi, H.P.

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Statement of HHC Jai Singh No.204, P. L. Mandi, H.P.

Without Oath

14.03.2024

Stated that I have brought the case property i.e. one sealed cloth parcel to the Court vide G.D. Entry No. 10 dated 14.03.2024, containing Charas. Seals are intact. The case property i.e. cloth parcel containing Charas opened in the Court by breaking all the seals and thereafter again resealed with 7 court seals i.e. DJ Mandi. After re-sealing the case property was handed over to me for safe custody.

R.O. & A.C.

(Jia Lal Azad)
Special Judge (Family Court),
Mandi, District Mandi, H.P.