

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.33 OF 2019

RANJIT SINGH

APPELLANT(S)

VERSUS

THE STATE OF PUNJAB

RESPONDENT(S)

O R D E R

1. The appellant has been convicted under Section 15(c) of the Narcotic Drugs and Psychotropic Substances Act, 1985 by the Trial Court and the High Court. The occurrence was on 03.02.2003. Pursuant to the conviction, the appellant has been sentenced to rigorous imprisonment of 10 years.
2. Learned counsel appearing for the appellant primarily made two submissions. The first submission is that admittedly neither the contraband nor the sample has been produced before the Trial Court. The second submission is that insofar as two other co-accused are concerned, the evidence of PW-1, 4 and 5 has been disbelieved by the Court. However, the same Court had relied on the evidence of PWs 4 and 5 for convicting the appellant, merely on the ground that the appellant was arrested from the spot itself, whereas the other co-accused fled from the spot. Placing reliance on the very same evidence of the said witnesses cannot be sustained in the eyes of law.
3. Learned counsel appearing for the State submitted that it is not necessary that in all cases, the seized contraband has to

be produced before the Trial Court during the trial. The case on hand is that the contraband was duly produced before the Magistrate concerned. Secondly, the Trial Court disbelieved the evidence of PW-1, 4 and 5 only insofar as the co-accused are concerned which cannot enure to the benefit of the appellant who has been arrested and secured.

4. We are inclined to set aside the impugned judgment on the sole ground that the evidence of PW-1, 4 and 5 having been disbelieved by the Trial Court by giving a cogent reasoning that their evidence appears to be both unnatural and unbelievable, cannot be applied in piecemeal to the case of the appellant, even though the principle governing the removal of chaff from the grain, can be applied by the Courts in India as against the principle of *falsus in uno, falsus in omnibus*.
5. Considering the facts of the case where the Trial Court has given sufficient reasoning for disbelieving the evidence of PW-1, 4 and 5, it would not be safe enough to rely upon the said witnesses to implicate the appellant, particularly, when neither the contraband nor the samples were produced before the Trial Court. The appellant has raised this plea of non-production of the contraband before the Trial Court and has also raised the plea that the very factum of seizure is not proved. Admittedly, there is no independent witnesses to substantiate the seizure and the police witness who signed the seizure memo was also not examined. From the above, we are of the view that the seizure, as alleged has not been proved on

facts.

6. Thus, the judgment relied upon by the learned counsel appearing for the State in 'Than Kunwar Vs. State of Haryana' reported in (2020) 5 SCC 260 may not have any application to the peculiar facts of the case.
7. In the light of the above discussion, we are inclined to give benefit of doubt to the appellant. Accordingly, the appeal stands allowed and the conviction rendered against the appellant stands set aside. The bail bond stands discharged.
8. Pending application(s), if any, shall stand disposed of.

.....J.
[M.M. SUNDRESH]

.....J.
[ARAVIND KUMAR]

NEW DELHI;
6th NOVEMBER, 2024

ITEM NO.108

COURT NO.12

SECTION II-B

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 33/2019

RANJIT SINGH

Appellant(s)

VERSUS

THE STATE OF PUNJAB

Respondent(s)

Date : 06-11-2024 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE ARAVIND KUMARFor Appellant(s) Mr. Dinesh Kothari, Adv.
Mr. B S Randhawa, Adv.
Mr. Gopal Singh Chauhan, Adv.
Mr. Saurabh Trivedi, AORFor Respondent(s) Mr. Karan Sharma, AOR
Mr. Mohit Siwach, Adv.
Mr. Abhishek Budhiraja, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The appeal is allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(SWETA BALODI)
COURT MASTER (SH)(POONAM VAID)
COURT MASTER (NSH)

(Signed order is placed on the file)