

**IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPEAL NO.535 OF 2011**

STATE OF HARYANA

Appellant(s)

Versus

DALBIR SINGH

Respondent(s)

**O R D E R**

This appeal by special leave is directed against the final judgment and order dated 26.4.2010 passed by the High Court of Punjab and Haryana at Chandigarh in Criminal Appeal No. 51-SB of 2005.

2. The respondent herein was tried by the Presiding Officer, Special Court, Kurukshetra and convicted for the offence punishable under Section 15 of the Narcotic Drugs and Psychotropic Substances Act, 1985 and sentenced to suffer ten years of rigorous imprisonment and to pay a fine of Rs. 1,00,000/-, in default thereof, to further undergo rigorous imprisonment for two years.

3. Aggrieved thereby, the respondent preferred an appeal before the High Court. While dealing with the same, the High Court doubted the veracity of the prosecution

witnesses who are all only official witnesses (police personnel) and there was no independent witness. Pointing out various infirmities in the prosecution version, the High Court came to the conclusion that the case against the accused—respondent herein could not be proved by the prosecution beyond reasonable doubt and hence set aside the judgment of the trial Court and acquitted him of the charge. Hence, the State is in appeal before us.

4. We have heard the learned counsel appearing on behalf of the appellant—State who made strenuous attempt to contend that the High Court committed serious error in acquitting the respondent who was caught selling poppy husk and 137 kg. of contraband material was also recovered as per his disclosure statement.

5. There was none appeared on behalf of the respondent. However, having gone through the material on record, we are not convinced with the submissions made by the learned counsel for the appellant—State. Not only the record does not indicate as to who was the owner of the contraband, but also we find that there was no independent witness or cogent evidence to establish the place from where the contraband material was transported to the spot from where it was recovered at the instance of the respondent.

Further, according to PW7 (Naib Tehsildar) who stated in the cross-examination that there was no disclosure statement except recovery memo. Moreover, the signatures put by PW7 on various papers allegedly prepared at the spot, are made with different pens.

6. As all the aforementioned circumstances give rise to suspicion as to the genuineness of prosecution story, in our view, the High Court has rightly acquitted the respondent herein giving him the benefit of doubt.

7. The appeal therefore lacks merit and is accordingly dismissed. As a sequel, pending applications, if any, shall also stand disposed of.

.....J.  
(N.V. RAMANA)

.....J.  
(S. ABDUL NAZEER)

New Delhi,

November 30, 2017.

ITEM NO.104

COURT NO.9

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). 535/2011

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Date : 30-11-2017 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA  
HON'BLE MR. JUSTICE S. ABDUL NAZEER

For Appellant(s)

Mr. Devender Kumar Saini, AAG  
Ms. Manpreet Kaur Bhalla, Adv.  
for Dr. Monika Gusain, AOR

For Respondent(s)

Mr. Parmanand Pandey, AOR (Not present)

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

None present on behalf of the respondent.

This appeal is dismissed in terms of the signed order.

Pending applications, if any, shall also stand disposed of.

(SUKHBIR PAUL KAUR)  
AR CUM PS

(RENUKA SADANA)  
ASST.REGISTRAR

(Signed order is placed on the file)