

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 1297 OF 2005

STATE OF PUNJAB

.....

APPELLANT

VERSUS

TEJA SINGH

.....

RESPONDENT

O R D E R

We have heard the learned counsel for the parties at great length and gone through the judgments of the courts below and the evidence on record.

It is true that as per the prosecution story, a very large quantity of opium had been recovered from the sole-respondent. However, we find from the judgment of the High Court that there is a clear doubt as to the recovery of the opium and whether the opium allegedly recovered had been kept in proper custody as it is the case of the prosecution that the contraband that had been sealed bore the impression 'HS' but the seals that were detected at the time of opening of samples bore the impression 'GS'. It may be stated that 'HS' represented Harinder Singh Chahal, D.S.P. who is alleged to have sealed the opium and was the investigating officer. We also find that there was no reason whatsoever

for Harinder Singh Chahal to have got police officers from Police Station Ahmedgarh and Dhuri though the raid had been organised within the area which comes under the jurisdiction of Police Station Malerkotla. Mr. Seeraj Bagga, the learned counsel for the appellant-State has pointed out that both these police stations also fell within the area of Malerkotla. Be that as it may, the suggestion of the defence is that Inspector Iqbal Singh, S.H.O., Police Station, Malerkotla had refused to join the raiding party as he did not want to falsely implicate any innocent person. We also find from the High Court judgment that *mala fides* had been alleged by the respondent against Harinder Singh Chahal and the finding of the High Court is that these *mala fides* have been proved.

In view of the aforesaid findings of fact, we are not inclined to interfere with the impugned judgment.

The appeal is dismissed in the aforesaid terms.

.....J
[HARJIT SINGH BEDI]

.....J
[DR. B.S. CHAUHAN]

NEW DELHI
AUGUST 19, 2009.