

2. We have considered the matter.

3. The High Court in a brief but precise order has dealt with the core issues arising in the case. It has been held that though the independent witness, namely, Mangal Singh did not support the prosecution case in entirety, merely on that account the testimonies of the Police witnesses, namely, DSP Narender Singh (P.W.3), Constable Darshan Singh (P.W.4) and ASI Jagdish Prasad (P.W.6) cannot be discarded particularly when such evidence is consistent and without blemish.

4. The contention of the accused that the information received leading to the search was not recorded stands belied by Exhibit PM which is the statement in writing on receipt of the secret information. So far as compliance with

Section 50 of the Act is concerned, the search is from the house and not from the person of the accused. In any event, the search was conducted by the Superintendent of Police i.e. the Gazetted Officer.

5. Head Constable Kulwant Singh (P.W.1) and Head Constable Sahab Ram (P.W.2) had also proved the seal affixed on the samples and the case property and the report of the Forensic Science Laboratory (Exhibit P0) confirms that the samples sent were property sealed. The link evidence, therefore, is acceptable. So far as the independent witness Mangal Singh is concerned, he was examined by the defence as D.W.1. From the deposition of Mangal Singh (D.W.1), who is the Chowkidar of the village, no conclusion can be reached that the contraband was not recovered from the house of the accused person.

6. In view of the above, we can find no infirmity in the view taken by the learned trial Court as affirmed by the High Court. The appeal is without any merit. It is accordingly dismissed.

....., J.
(RANJAN GOGOI)

....., J.
(NAVIN SINHA)

....., J.
(K.M. JOSEPH)

NEW DELHI
AUGUST 08, 2018

ITEM NO.104

COURT NO.2

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). 1004/2017

JARNAIL SINGH

APPELLANT(S)

VERSUS

STATE OF HARYANA

RESPONDENT(S)

Date : 08-08-2018 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE RANJAN GOGOI
HON'BLE MR. JUSTICE NAVIN SINHA
HON'BLE MR. JUSTICE K.M. JOSEPH

For Appellant(s)

Mrs. Amita Gupta, AOR
Ms. Neha Tyagi, Adv.

For Respondent(s)

Mr. Gautam Sharma, Adv.
Mr. Vikas Kumar, Adv.
Mr. Abhishek Kumar, Adv.
Ms. Manpreet Kaur Bhalla, Adv.
Dr. Monika Gusain, AORUPON hearing the counsel the Court made the following
O R D E RThe appeal is dismissed in terms of the signed
order.

[VINOD LAKHINA]

AR-cum-PS

[ASHA SONI]

BRANCH OFFICER

[SIGNED ORDER IS PLACED ON THE FILE]