

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

Reserved on 11.10.2024
Pronounced on 28.11.2024

Crl A(D) No. 14/2021

Majid KhanAppellant(s)/Petitioner(s)

Through: Mr. Prince Khanna, Advocate

vs

U. T. of J&K and another Respondent(s)

Through: Mr. Raman Sharma, AAG
Ms. Saleeqa Sheikh, Adv.

**Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE
HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE**

JUDGMENT

Per Oswal-J

1. This appeal is directed against the judgment dated 25.11.2021 passed by the court of learned Principal Sessions Judge, Udhampur (hereinafter to be referred as 'the trial court'), whereby the appellant has been convicted for commission of offence under section 8/22 (c) of the Narcotic Drugs Psychotropic Substances Act, 1985 (for short 'the Act') and sentenced to undergo rigorous imprisonment for 12 years and a fine of rupees two lacs and in default of payment of fine, either full or part, the appellant has been ordered to undergo rigorous imprisonment for a further period of one year.
2. The appellant has assailed the aforesaid judgment of conviction on the grounds that independent witnesses including CRPF personnel as well as co-passengers, who admittedly were present on spot, were not associated with the investigation of the case and the learned trial court has not rightly

appreciated the evidence and has convicted the appellant on surmises and conjectures. In nutshell, the contention of the appellant is that the prosecution has not proved its case beyond reasonable doubt.

3. Learned counsel for the appellant has argued that the witnesses, who were present on spot including the CRPF personnel, were not associated with the investigation, which has caused serious dent in the prosecution case and further that it has not been proved by the prosecution that the seized material only was sent for chemical analysis to the Forensic Science Laboratory (FSL). Learned counsel for the appellant also raised the dispute in respect of the weight of the seized contraband.
4. On the other hand, learned counsel for the respondents has argued that the prosecution has proved the recovery of the contraband from the appellant by leading cogent evidence and the learned trial court has rightly appreciated the evidence and convicted the accused. He has further argued that the contradictions pointed out by the learned counsel are trivial in nature, having no impact on the prosecution case.
5. Heard learned counsel for the parties and perused the record.

Prosecution case:

6. The case projected by the prosecution is that on 25.05.2013 at about 5.30 PM one Tavera (taxi-cab) bearing registration No. JK01T 5832 coming from Srinagar towards Jammu, was stopped for routine checking at SCP Kral Nullah, Kud. During the checking of luggage of the passengers, the appellant was found to be in possession of a bag of black colour containing ten packets wrapped with polythene packing of yellow colour and sealed

with adhesive tape. The pin holes were made in those packets to ascertain the content of the packets, and the contents of the packets appeared to be some psychotropic substance for which the accused could not offer any satisfactory explanation. SPO Vijay Kumar, who was on duty contacted the SHO Police Station, Kud on his Cell Phone who reduced the information into writing by registering FIR No. 50/2013 under Section 8/22 of the Act and rushed to the spot immediately. The packets found in the possession of the appellant were seized and from each packet, two samples of 50 grams and 20 grams each were extracted and sealed separately. The samples were sent to FSL for the confirmation of the contents thereof and it was found that the seized contraband was 'Heroin'. After the completion of the investigation, final report was laid on 10.07.2013 and vide order dated 24.07.2013, the appellant was charged for commission of offence under Sections 8/22(C) of the Act. The prosecution had cited nine witnesses, out of which, seven witnesses were examined and rest were given up by the prosecution. In defence, the appellant, besides examining himself, also examined one witness DW Ravinder Singh. After hearing the parties, the learned trial convicted and sentenced the appellant in the manner mentioned above.

7. In order to appreciate the contentions raised by the appellant and to find out as to whether the learned trial court has rightly convicted and sentenced the appellant, it is necessary to extract the relevant part of the evidence led by the parties.

Prosecution witnesses:

8. **PW-1 Vijay Kumar SPO** stated that he was on duty along with lady constables, namely, Namarta Devi and Kailasho Devi at SCP Kral Nullah Kud. On 25.05.2013, a Tavera Taxi bearing registration No. JK01T 5832 coming from the Srinagar to Jammu was stopped and checked. All the passengers including the accused were made to alight from the vehicle. The accused, who was seated at the back seat, was carrying a black coloured bag. Upon checking the bag of the appellant, a black coloured t-shirt and ten yellow-coloured packets containing some powder like substance were recovered. On being asked about the content of those packets, accused maintained silence, so he informed the SHO on his cell phone and he came on spot. The SHO opened those packets and found some white coloured powder therein, which was suspected to be some intoxicating substance. The packets were weighed and except one packet, all packets were found to be 1.040 Kg, whereas one packet was found to be 1.500 kg. Two samples weighing 20 grams and 50 grams each were extracted from all those ten packets and were sealed separately. Ring used for sealing was placed on the supurdnama of Bishamber Dass. He identified the 10 sealed packets, ten samples weighing 20 grams each and shirt in the open court.

In cross-examination, he stated that CRPF personnel were with him and CRPF personnel signalled the vehicle to stop. He searched the passengers and CRPF personnel searched the vehicle, but they were also with him. They witnessed the items recovered from the bag of the accused. The bag remained with the accused till the arrival of the SHO, who himself opened

the zip thereof at the time of its checking. The weighing machine was brought by SHO and photographs were also taken on spot but he was not aware whether any civilian was associated with those proceedings or not. The vehicle was checked inside the CRPF Camp.

9. **PW-2 Constable Bishamber Dass** stated that on 25.05.2013 at about 6.15 PM, he along with SHO had gone to Kral Nullah, Kud. SPO Vijay had called SHO from Kral Naka. When he reached on spot, he saw that the accused was made to stand on one side and was carrying a bag. SHO enquired the name and address of the appellant/accused. Ten packets were found in the bag. When the accused was asked about the packets, he remained silent. SHO suspected that the packets were having intoxicating substance and weighed those packets. Nine packets were found to be 1.040 Kg each whereas the tenth packet weighed 1.500 kg. From each packet, two samples i.e. 50 grams and 20 grams were extracted. The packets were sealed. The ring was used as seal and was kept on his supurdnama. He proved the seizure-memo (ExtP-2/I) and supurdnama (ExtP-2/II). **In cross-examination**, he stated that Subhash and Jeevan Kumar also accompanied SHO to the spot. The electronic weighing machine was used for weighing the packets. All the ten packets were of yellow colour and sealed with adhesive tape and the total weight thereof came out to be 10.860 Kgs. It took about 2 ½ to 3 hours to complete the entire proceedings on spot. The weight mentioned in the seizure memo i.e. 10.840 Kgs, is wrong. The photographs were taken by SHO himself and the content was a cream-coloured powder.

10. **PW-4 HC Sansar Singh** stated that he was In-charge Malkhana Police Station, Chenani at the time of recovery. On 25.05.2013, SHO deposited 30 packets with him, out of which, 9 packets weighed 980 grams, whereas one packet weighed 1.200 kg. There were 10 packets of 20 grams each and other ten packets of 50 grams each. He made the entries in the Register No. 19 at serial No. 55. On 27.05.2013, SHO obtained 10 packets from him and after getting them sealed, returned to him. On 11.07.2013, he handed over all the 30 packets to PSI Madan Lal vide report No. 55 in the Daily Diary. He had issued certificate after 2/3 days, that is why entries of 27.05.2013 and 11.07.2013 are not mentioned in the certificate (Extp-4). He had also not made any entry of handing over 30 packets to PSI Madan Lal in the Malkhana Register. **In cross-examination**, he stated that the articles were deposited with him at 10.40 in the night. He had not weighed those packets personally. SHO had written weight on the packets and on that basis only, he had mentioned the weight of the packets (ExtP-4).
11. **PW-5 Wahid Ahmed** (Driver of the vehicle) stated that on 25.05.2013, he took the passengers from Lal Chowk and left for Jammu at about 11.00 AM in his vehicle i.e. Tavera Taxi bearing registration No. JK01T 5832. The accused had also boarded the vehicle from the Lal Chowk and five other passengers were already on board. He kept the luggage of the passengers on the rooftop of the vehicle, however, when the accused was asked to hand over his bag, he told that he would keep the bag with him. Thereafter, one more passenger boarded the vehicle. He further stated that when they were at Kud, CRPF men signalled the vehicle to stop at check post. He stopped

the vehicle inside the check post and asked the passengers to come down along with their luggage. All the passengers stood up in a row and the accused was the last person in the row. The CRPF men and policemen checked his vehicle. The passengers also started getting their luggage checked and all of them except accused returned and stood nearby the vehicle, however, when the bag of the accused was checked, some packets about ten in number were found therein, which were sealed with tape. Thereafter, policemen asked him to reverse the vehicle. SHO was also informed, who reached on spot and also brought a weighing machine. The samples from those packets were taken. The packets contained some powder like substance. Thereafter, he along with passengers was taken to the Police Station. He identified the packets, bag in the court, which were recovered from the accused. **In cross-examination**, he stated that the vehicle was seized on the same day and all the passengers were taken to the Police Station. He remained at Police Station from 25th to 29th of May, 2013. He stayed in the room of Head Constable and on 29.05.2013, he was taken to the court, where his statement was recorded. The vehicle was checked by the policemen, who were accompanied by the CRPF personnel. He was the first to be frisked and was about 7 feet away when the luggage of the passengers was being frisked. SHO was contacted on phone by the CRPF personnel but the police men were also standing nearby. The accused was the only passenger, who was carrying a bag and other passengers were carrying suit cases.

12. **PW-7 Nath Suman Bhagat, Tehsildar Chenani** stated that on 27.05.2013, SHO Police Station Kud produced 20 packets, which he had detailed in his letter bearing No. 22-23/JC dated 27.05.2013 for resealing and he resealed those packets with his official stamp and issued authority letter in favour of Director FSL for breaking open those seals and to examine the contents thereof. He identified the authority letter (Ext P-7) issued by him. **In cross-examination**, he stated that all the packets were already sealed by SHO and there were two seal marks each on those packets. The specimen of the seal used by him was affixed on the letter. The weight of the packets was not mentioned thereupon but a particular mark was put on all those packets and he had not checked the contents thereof.
13. **PW-8 Pawan Abrol** stated that he had received ten sealed packets at FSL Jammu in FIR No. 50/2013 filed under section 8/22 of the Act. Those packets were already marked as A-1 to J-1 and on examination thereof, Diacetyl Morphine (Heroin) was detected in all those packets. He issued the report No. 797 dated 25.06.2013. He proved the same (ExtP-8). He identified the ten duly sealed packets received back from FSL. **In cross-examination**, he stated that the packets received at FSL were having four seal marks each, which were intact. Each of those samples was in the form of powder of light brown colour.
14. **PW-9 Rakesh Bamba**, Inspector, SHO Police Station, Kud stated that on 25.05.2013 at about 5.45 PM, he received a phone call from SPO Vijay Kumar, who was on duty at naka point Kral Nullah that a passenger travelling in the vehicle bearing registration No. JK01T-5832, namely,

Majid Khan was found carrying ten packets of some intoxicating substance. On receipt thereof, he registered FIR No. 50/2013 for offences under sections 8/22 of the Act and proceeded to the spot. He prepared the site plan and took two samples each weighting 50 grams and 20 grams respectively from all the ten packets and sealed them. The vehicle in question was also seized on spot and statements of the witnesses were recorded. The accused along with vehicle was taken to the Police Station. He deposited ten packets and their samples with the In-charge Malkhana, Police Station, Chenani. The next day was Sunday, as such, no proceedings could be conducted and on 27.05.2013, he got the samples resealed from Executive Magistrate Chenani and sent to the FSL for chemical examination. After obtaining the report, he proved the offence under sections 8/22 of the Act against the accused and filed the charge sheet. **In cross-examination**, he stated that he was informed telephonically but was not told what intoxicating substance was. He took the photographs by his cell phone and weighed those packets before taking samples weighing 50 grams and 20 grams from each of those packets. The packets were also sealed. He was not sure about the contents till the report was received from FSL, Jammu. He reached on spot at about 6 PM. Arrest Form was filled up by him and the time of arrest was mentioned as 6.00 PM, whereas the brother of the accused was informed about the arrest by 5.57 PM. He did not record the statements of CRPF personnel, as they stated that by the time they would be called for making depositions in the Court, they would be transferred, and no TA/DA would be paid to them. In that regard, an entry was made by him in the Case

Diary. He further deposed that other passengers travelling with the accused were from other States and as such, were not cited as witnesses. He deposited the samples of 50 grams with the FSL personally. It was wrong that CRPF personnel and civilians present on spot refused to depose on the ground that he had made a false case against the accused. The memos were prepared on spot under his direct supervision and the same were in his handwriting. **In re-examination**, he stated that the FIR was signed by him and its contents were true (ExtP-9/I). The detailed report (ExtP-9/II) about the narcotic drugs seized was also in his handwriting.

Defence Evidence:

15. **Accused Majid Khan** stated that on 25.05.2013, when he was coming from Srinagar to Jammu by Tavera Taxi, the vehicle was signalled to stop at Kral Nullah Post, Kud and was taken inside the CRPF camp for checking. Dy.SP was also there. The vehicle was searched at the Police Station and the Police personnel told that some contraband drugs were recovered from the vehicle. Names and addresses of all the passengers were noted and all except him were allowed to proceed ahead with their onward journey and the driver was asked to drop them and to return thereafter. He was detained along with him at the Police lock up for the whole night and the next day, his identity card and cash amounting to Rs. 23,000/- along with driving license and cell phone was seized. He was not questioned for next four days and thereafter, he was taken to Kral Nullah post along with vehicle and SP also accompanied them. He was taken to a small room with the CRPF camp and told by the SP that Heroin was recovered from him and

that he should narrate the whole truth, to which he expressed his ignorance and stated that he had heard about heroine only in movies. Thereafter, on the direction of SP, SHO made him to stand in front of the vehicle and ten packets were taken out from the vehicle and it was stated to be heroin whereafter his photographs were clicked and then he was brought back to the Police Station. **In cross-examination**, he stated that he left Srinagar at about 11.12 noon and reached at Kral Nullah at about 3/4 PM. There were total seven passengers in the vehicle and the name of the driver was not known to him. He was kept at Police Station for five days and was taken to the Magistrate on sixth day of his detention. Before taking him to the Judicial Magistrate, he was taken to the Tehsildar, but he could not tell whether he was taken to the Tehsildar on 26.05.2013 for the first time. The articles mentioned in the personal search were not recovered from him, but he identified his signatures on the arrest cum seizure memo and expressed his ignorance about the date recorded thereon. It is true that his elder brother and two uncles are living in Pakistan.

16. **DW Ravinder Singh** stated that in the year, 2013, he boarded a Tavera vehicle form TRC Srinagar for Udampur and was sitting on the back seat with the accused, whereas two other passengers were seated on the opposite seat. The accused was not having any bag when he boarded the vehicle. The vehicle was stopped by CRPF personnel at Kral Nullah for checking and his bag was also checked. The accused was also standing in a queue with the other co-passengers, some of whom were outsiders, but nothing was recovered from him as well. The accused and a passenger from Bihar were

detained at the Police Station, whereas other passengers were allowed to go and the driver was asked to drop them and return thereafter. **In cross examination**, he stated that he had never gone to meet the accused in jail after that day. One Riaz had given his address to the accused, but he had never seen them together. They left Srinagar 10-11 AM and were taken to the Police Station at about 2 PM. He was not aware as to whose luggage it was but the vehicle's roof was fully loaded and nothing objectionable was recovered from the passengers. The accused had boarded the vehicle earlier to him.

Appreciation of evidence:

17. The allegations as mentioned in the charge framed on 24.07.2013 against the appellant are in respect of the recovery of 10.840 Kgs of Heroin. In order to hold an accused guilty for commission of offence of possession of contraband in terms of the Act, it is incumbent on the part of the prosecution to prove the following essentials:
- (i) That the material alleged to be contraband, was recovered from the accused.
 - (ii) The representative sample(s) extracted from the material, recovered from the accused, was/were kept in safe custody till the same was/were analysed by the Expert.
 - (iii) That the representative samples were found to be a psychotropic substance/drug as the case may be.
18. Now, we will examine as to whether the prosecution has been able to prove the recovery of 10.840 Kgs. of heroin from the appellant or not. PW Vijay

Kumar SPO, who checked the bag of the appellant, has categorically stated that the appellant was having one bag, out of which, 10 packets were recovered. Nine packets were found to be 1.040 Kg each and the 10th packet was found to be 1.500 Kg. He further stated that 10 packets were sealed on spot by using ring which was kept on supurdnama with PW Bishamber Dass. He had categorically stated that he had searched the passengers and bag remained with the appellant till the arrival of the SHO. PW Bishamber Dass has stated that when he reached on spot, the accused was made to stand on one side and was having one bag. The bag was checked, and 9 packets were found to be of 1.040 Kg each and the 10th packet was of 1.500 Kg. From each packet, two samples i.e. 50 grams and 20 grams were prepared. The packets were sealed. The ring was used as seal and was kept on his supurdnama. He proved the seizure memo (ExtP-2/I) and supurdnama (ExtP-2/II). The most important witness is PW-5 Wahid Ahmed, who to some extent can be called as an independent witness, as he was the driver of the vehicle. He stated that the appellant boarded his vehicle from Lal Chowkat at 11 AM and when he was asked to hand over his bag, he insisted he would keep the bag with himself. He further admitted that the vehicle was stopped at Kud and the CRPF men and Policemen checked his vehicle. He further stated that when the bag of the accused was checked, 10 packets were found in the same. After arrival of the SHO, the samples of contents of those packets were extracted. Thus this witness has corroborated the statements made by PW Vijay Kumar and PW Bishamber Das. PW Inspector Rakesh Bamba has stated that he registered

FIR No. 50/2013 after receiving a phone call from SPO Vijay Kumar in respect of recovery of 10 packets, which were found in possession of Majid Khan, who was travelling in vehicle bearing No. JK01T 5832. After the registration of FIR, he proceeded on spot immediately and prepared the site plan and also extracted two samples of 50 grams and 20 grams each from 10 packets. He further stated that he deposited the seized contraband along with samples with In-charge Malkhana and as it was Sunday, therefore, on 27.05.2013, he got the samples resealed from the Executive Magistrate, Chenani for sending the same to the experts of FSL Jammu for examination.

19. From the testimonies of the above mentioned prosecution witnesses, it become clear that the ten packets were recovered from the appellant and out of 10 packets, two samples, 50 grams and 20 grams each were extracted/prepared from those 10 packets.
20. Thus, it can safely be said that the prosecution has been able to prove that ten packets weighing 10.840 Kgs and containing powdered substance were recovered from the appellant, though there is small discrepancy between the ocular evidence and the seizure-memo in respect of weight of substance, but it is not of such nature that the prosecution case is to be rejected on this ground only.
21. The second essential is whether the samples were kept in safe custody till they reached FSL. It has come in the evidence of PW Inspector Rakesh Bamba, PW SPO Vijay Kumar and PW Bishamber Dass that two samples of 50 grams and 20 grams each were extracted from the material recovered

from the appellant. PW Rakesh Bamba has stated that he deposited the seized material with In-charge Malkhana on 25.05.2013. PW Sansar Singh has also stated that the SHO Police Station, Kud deposited 30 packets with him on 25.05.2013 and out of those, 9 packets weighed 980 grams each and one packet was of 1.200 Kg and ten samples were of 20 grams each and other 10 samples were of 50 grams each. He has proved the entry made at Serial No. 55 of Register No. 19(ExtP-4). So far as deposit of the seized material and samples in Malkhana is concerned, the same stands proved beyond any shadow of doubt. But thereafter the prosecution case gets shrouded with mystery. PW HC Sansar Singh has stated that on 27.05.2013, 10 samples were taken by SHO for resealing and then were returned to him. The Investigating Officer i.e. Inspector Rakesh Bamba has not placed on record either the Malkhana Register or its extract in respect of taking out of samples for resealing and their redeposit in the Malkhana on 27.05.2013. However, we find from the record that there are two Daily Diary Reports Nos. 9 and 12 each dated 27.05.2013 but these Daily Diary Reports were never proved by the prosecution. By virtue of D.D entry No.9, 20 samples were taken for resealing and vide D.D entry No. 12, the ten samples of 20 grams each were deposited back and other ten samples of 50 grams each were taken for chemical analysis. The prosecution is under obligation not only to prove that after the samples were extracted, they were kept in safe custody so as to negate any chance of tampering with the samples but also is under obligation to ensure that the material recovered from the accused only is sent to FSL. In the present case, the prosecution has very casually

dealt with the matter and never bothered to even bring on record the extract of Malkhana Register in respect of taking out of the samples for resealing and redeposit of other part of the samples with the Malkhana. Had the prosecution been vigilant to ensure the production of Malkhana Register to demonstrate that 10 samples of 50 grams and other ten samples of 20 grams each extracted from the recovered contraband deposited in the Malkhana on 25.05.2013 were only taken back from the In-charge Malkhana on 27.05.2013, it would have been a fool proof case but due to the negligence of the prosecution, the appellant is raising finger at the prosecution in respect of his false implication. The prosecution even did not bother to get the Malkhana Register summoned, even when PW HC Sansar Singh in his deposition stated that the entries of 27.05.2013 and 11.07.2013 were not mentioned in the certificate(ExtP-4) because he issued the certificate 2/3 days after deposit of all the articles. Investigating Officer on his own part miserably failed to place on record the extract of Malkhana Register with regard to the taking out of the samples from Malkhana on 27.05.2013 and deposit the other part of the samples back in the Malkhana on the same day, whereas the prosecution on its part miserably failed to summon the Malkhana Register with regard to the entries if made on 27.05.2013 and to take steps to prove the Daily Diary Reports Nos. 9 and 12 of 27.05.2013. In view of above, it cannot be conclusively held that the prosecution has proved beyond all reasonable doubt that the samples extracted from the material seized from the accused only were sent for chemical analysis. We are conscious of the fact that the quantity of the contraband recovered from

the appellant is huge but the appellant has been able to create doubt in our minds with regard to discrepancy in the prosecution case in respect of depositing the samples in Malkahana after resealing and further sending it to FSL for chemical analysis.

22. In “**Hanif Khan v. Central Bureau of Narcotics, (2020) 16 SCC 709**”, the Hon’ble Supreme Court of India has observed as under:

“**8.** We have considered the submissions on behalf of the parties. The prosecution under the NDPS Act carries a reverse burden of proof with a culpable mental state of the accused. He is presumed to be guilty consequent to recovery of contraband from him, and it is for the accused to establish his innocence unlike the normal rule of criminal jurisprudence that an accused is presumed to be innocent unless proved guilty. **But that does not absolve the prosecution from establishing a prima facie case only whereafter the burden shifts to the accused.** In *Noor Aga v. State of Punjab* [(2008) 16 SCC 417] it was observed as follows:

“58. Sections 35 and 54 of the Act, no doubt, raise presumptions with regard to the culpable mental state on the part of the accused as also place the burden of proof in this behalf on the accused; but a bare perusal of the said provision would clearly show that presumption would operate in the trial of the accused only in the event the circumstances contained therein are fully satisfied. **An initial burden exists upon the prosecution and only when it stands satisfied, would the legal burden shift. Even then, the standard of proof required for the accused to prove his innocence is not as high as that of the prosecution. Whereas the standard of proof required to prove the guilt of the accused on the prosecution is “beyond all reasonable doubt” but it is “preponderance of probability” on the accused. If the prosecution fails to prove the foundational facts so as to attract the rigours of Section 35 of the Act, the actus reus which is possession of contraband by the accused cannot be said to have been established.**”

9. Because there is a reverse burden of proof, the prosecution shall be put to a stricter test for compliance with statutory provisions. If at any stage, the accused is able to create a reasonable doubt, as a part of his defence, to rebut the presumption of his guilt, the benefit will naturally have to go to him.”

23. The NDPS Act provides for stringent punishment and as such, the prosecution is under obligation to prove its case in such a manner that no loopholes remain in the prosecution evidence, so as to afford an opportunity to the accused to exploit the same. Thus, we are of the considered view that the prosecution has not been able to prove its case beyond all reasonable doubts that the recovered material only was sent to FSL for chemical analysis. Though PW Pawan Abrol has proved FSL report (ExtP-8) but in view of the doubt with regard to the sending of samples to the FSL, the proof of FSL report would be of no consequence.
24. We have examined the judgment passed by the learned trial court and we find that the infirmities in the prosecution case as noted hereinabove by us, have escaped the attention of the learned trial court.

Conclusion:

25. For all what has been said and discussed above, this Court is of the considered view that the appellant deserves benefit of doubt, as such, the instant appeal is allowed. The judgment dated 25.11.2021 passed by the learned trial court is set aside. The appellant is on bail, as such, bail bonds as well as personal bond of the appellant are discharged.
26. Record of the trial court be sent back, if received in original.

(SANJAY DHAR)
JUDGE

(RAJNESH OSWAL)
JUDGE

Jammu
28.11.2024
Rakesh

Whether the order is speaking: Yes
Whether the order is reportable: Yes