

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

CRM-M-19586-2015 (O&M)

Date of decision: 11.8.2015

Kashmir Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

1. To be referred to the Reporters or not ?
2. Whether the judgment should be reported in the Digest ?

Present: Mr.C.L.Verma, Advocate for the petitioner.

RAMESHWAR SINGH MALIK, J. (Oral)

CRM-25551-2015

Applicant seeks to place on record copy of challan under Section 173 Cr.P.C and also seeks exemption from filing the certified copy thereof.

Application is allowed, as prayed for.

CRM stands disposed of.

Main case

Petitioner seeks pre-arrest bail in FIR No.99 dated 5.9.2012 registered under Sections 15, 25, 61, 85 of the NDPS Act and under Sections 420 and 473 IPC at Police Station Jodhan, District Ludhiana.

Learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case. He further submits that although the vehicle in question was in the name of the petitioner yet she was not in conscious possession thereof. She has no knowledge that her husband will use the vehicle in committing the crime in question. He prays for allowing the present petition.

Having heard the learned counsel for the petitioner at considerable length, after careful perusal of the record of the case and giving thoughtful consideration to the contentions raised, this Court is of the considered opinion that in the given fact situation of the instant case, petitioner has not been found entitled for the concession of anticipatory bail. It is so said because it is undisputed on record that the petitioner is the registered owner of the vehicle from which the contraband was recovered. Further the vehicle was being driven by none else but the husband of the petitioner. In such a situation, the contention raised by the learned counsel for the petitioner that petitioner was not having any knowledge in this regard, does not appeal to reason.

In view of the above and without commenting anything further on merits of the case at this stage, lest it should prejudice the rights of either of the parties, this Court is of the considered view that the custodial interrogation of the petitioner would be a compulsive necessity of the investigating agency so as to carry out an effective investigation. No case for anticipatory bail has been made out.

Dismissed.

11.8.2015
mks

(RAMESHWAR SINGH MALIK)
JUDGE