

IN THE HIGH COURT OF PUNJAB AND HARYANA, AT
CHANDIGARH

CRM-M-23413-2014

Date of Decision: 22.01.2015

Karamjit Kaur

.....Petitioner

Vs.

State of Punjab and others

.....Respondent

CORAM: HON'BLE MR. JUSTICE KULDIP SINGH

Present: Mr. N.S. Dandiwal, Advocate,
for the petitioner.

Mr. Ashish Sanghi, Deputy Advocate General, Punjab.

KULDIP SINGH, J. (ORAL)

CRM-2364-2015

Application is allowed, as prayed for.

Replication filed on behalf of the petitioner is taken on record.

CRM stands disposed of

CRM-M-23413-2014

This petition has been filed by the petitioner, Karamjit Kaur for directing respondents No. 3 and 4 for registration of an FIR against respondents No. 5 to 9, who are police official and further for issuing a direction to protect her life and liberty as she apprehends that she would be eliminated or implicated in a false case.

The allegations in the petition are that respondents No. 5 to 9 entered in her house on 29.06.2014 at about 5.00 a.m. after breaking the lock of the main door of the house and started searching in the house. They

also beat and abused the petitioner. They also took gold ornaments with them.

In this case, an enquiry was conducted by Deputy Superintendent of Police, Dharamkot (Annexure R-1/T). In the said enquiry report, it was found that 30 grams heroin was recovered from Amarjit Kaur wife of Chand Singh. During the interrogation, she stated that the husband of the present petitioner is also doing the business of sale of heroin. Therefore, house of the petitioner was raided after joining Ex. Sarpanch of the village namely Harbhajan Singh and the search was conducted. It further comes out that later on SHO Police Station Fatehgarh Panjtoor, after conducting an enquiry and vide report (Annexure R-7/T) came to the similar conclusion.

Therefore, the stand of the State is that the house of the petitioner was raided in connection with the investigation of the case. It is a case of version and cross-version whether the petitioner was slapped or not. During search, the police official can use reasonable force if accused resist.

Therefore, in these circumstances there is no ground to issue direction as sought by the petitioner.

Hence, dismissed.

However, petitioner if so permissible under law and subject to all just exceptions, if so advice, can always avail the appropriate remedy before the Court.

(KULDIP SINGH)
JUDGE

January 22, 2015
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