

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

Crl. Misc. No. M-26134 of 2014 (O&M)  
Date of decision : 18.02.2015

Paramjit Kaur .....Petitioner  
versus

State of Punjab and others ...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. P.S. Ahluwalia, Advocate, for the petitioner.

Ms. Anmol Grewal, AAG, Punjab

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RITU BAHRI , J.

This petition under Section 482 of the Code of Criminal Procedure is for transfer of case i.e F.I.R No. 59 dated 08.04.2014 registered under Sections 21/22 of NPDS Act at P.S. Sadar, Patiala, District Patiala to a Special Investigation Team headed by Senior Police Officer.

Brief facts of the case are that when the petitioner and his family members were not at home, the house of the petitioner was raided on 07.04.2014 by the police who kept on searching the house till earlier hours of 08.04.2014. This fact is duly corroborated from the affidavits furnished by the neighbours of the petitioner (P-2 colly). After coming to know regarding this incident, the petitioner made a complaint telephonically at helpline No. 181 and narrated the entire incident and was promised that a fair inquiry will be made. The petitioner who was not aware that a case had been registered against her, made an application to higher police officials of Punjab Police (P-3) and

postal receipt is Annexure P-4 in which the petitioner had levelled allegations against the private respondent and further statement that the private respondent in conniving with the local police are threatening the petitioner to implicate in false NDPS Act case. Thereafter, the investigating agency to save their skin had effected recovery from the house of the petitioner on 17.04.2014 after eight days of registration of F.I.R and certain tablets namely PROVON PASS (250 tablets), MONOLIT (400 tablets) were ostensibly recovered from the house of the petitioner. The petitioner thereafter approached the Court of ADJ, Patiala for grant of anticipatory bail, which was given to him by observing that the petitioner had reported the matter to the police at helpline No. 181 about the incident of 07.04.2014 and DDR in that regard was also registered and she also sent an application to the higher authorities to take action against Raj Kaur and police officials and the recovery was effected from the house of the petitioner on 17.04.2014. Thus, it is quite apparent that the petitioner was aware of the fact that the police was raiding her house since after 9.4.2014 and no prudent person would keep Narcotic Drugs from Psychotropic Substances in her house despite knowledge of the fact that the police was raiding her house. It shows that a false recovery had been shown from the house of the petitioner.

On notice, a reply had been filed by way of affidavit dated 12.09.2014 by Asstt. Supdt. of Police (Rural), Patiala stating therein that F.I.R No. 120 dated 09.11.2011 u/s 21/61/85 of NDPS Act is pending against the petitioner on recovery fo 120 grams of

smack from her during nakabandi. F.I.R No. 496 dated 03.11.2007 u/s 22/61/85 of NDPS Act was registered against Sonia daughter of the petitioner on recovery of 10 grams of smack.

In the present case, on 08.04.2014, SI Baltej Singh of police station Sadar Patiala along with police party was present at Main road, Rajpura in search of bad elements and a secret information was received that the petitioner sells smack and drug tablets in her house by going on foot and on her scooty bearing no. PB11-AV-5186. On the basis of secret information, the above said F.I.R No. 59 was registered against the petitioner. SI Baltej Singh requested the SHO to reach at Rishi Coloby Patiala, who reached there. As per direction of SHO, case was held in front of Gurdwara Sahib there at 00.30 A.M. Thereafter, a raid was conducted at the house of the petitioner, which was found locked from outside. On making enquiries from the neighbours, it was learnt that the petitioner along with her family is missing from her house. Various efforts were made to arrest the petitioner but the petitioner could not be arrested. Thereafter, the police moved an application dated 09.04.2014 for obtaining search warrant of the house of the petitioner (R-1) and search warrants were issued by the Court on 15.04.2014 (R-2). On the basis of search warrant, the house of the petitioner was raided and various drugs were recovered. Copy of recovery memo is dated 17.04.2014 (R-3). An application was moved by the police before the Illaqa Magistrate, Patiala for deposit of the case property in Judicial Malkhana, which was allowed by the Judge on 18.04.2014. The case property was deposited in the Judicial Malkhana (R-4). Thereafter, the petitioner

was allowed bail vide order dated 28.04.2014. The petitioner was formally arrested and joined the investigation on 06.05.2014. Further the call details of Mobile No. 97816-28625 of the petitioner was obtained and it was found that she was constantly in touch with H.C Sher Bahadur through his Mobile Phone No. 98143-01433, 97876-28625 and 98154-52892. So, he was also arrayed as an accused and Section 120-B IPC has been added. Further an application was moved by the daughter of the petitioner and the details of which has been mentioned in para No. 10 of the petition. On the other hand, the petitioner had alleged totally contradictory version in her application and thus, the story of the petitioner was falsified. The enquiry on the application dated 08.04.2014 (R-5) filed by Jyoti and the telephone call made by the petitioner on Phone No. 181 were marked to ASI Sukhdev Singh, who after reaching at the spot conducted the enquiry and as per report (R-6), it was found that earlier F.I.R No. 120 dated 09.11.2011 was registered against the petitioner and thereafter, F.I.R No. 59 had been registered against her at P.S. Sadar, Patiala and the petitioner is fugitive in the said case and she is indulging in selling of drugs and she had given the application to escape. Similar facts find mentioned in the inquiry report (R-7)

In view of the detailed reply filed by the State, no ground is made out to transfer the investigation to S.I.T.

The petition is thus dismissed.

18.02.2015

G Arora

(RITU BAHRI)  
JUDGE

GAURAV  
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I attest to the accuracy and  
integrity of this document