

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

(221)

CRM-M-1895-2016

Decided on: February 16, 2016.

Amandeep Kaur @ Aman

.... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE M.M.S. BEDI

Present: Mr. D.S. Pheruman, Advocate, for the petitioner.

Mr. Jashan Preet Singh, AAG, Punjab.

M.M.S. BEDI, J (ORAL)

Petitioner along with four others was allegedly found traveling in an Indigo car. A secret information had been received by the police that petitioner along with his co-accused Sunny Lumba, Gagandeep @ Ashu, Ajay Kumar @ Dheru along with sum of Rs. 1 lac and 10 grams of heroin were traveling in an Indigo car. The petitioner was found to be carrying 10 grams of heroin along with sum of Rs. 1 lac.

The learned Special Judge appears to have dismissed the petition in view of Section 37 of the NDPS Act presuming the possession of commercial quantity of intoxicant material from the co-accused of the petitioner and observing that Section 37 of the NDPS Act would be applicable to the petitioner also.

It will certainly be a debatable issue whether the culpability of the petitioner could be decided on the basis of her vicarious liability for the contraband recovered from her co-accused.

Without expression of any opinion on merits of the case, the petition is allowed. Petitioner is ordered to be released on bail on her furnishing bail bonds/surety bonds to the satisfaction of the trial Court.

(M.M.S. BEDI)
JUDGE

February 16, 2016
harsha