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IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

CRM-M-29116-2017
Date of Decision: 26.09.2017

Sarabjit Kaur

..... Petitioner

Versus

State of Punjab

..... Respondent

CORAM: HON'BLE MR. JUSTICE SUDIP AHLUWALIA

Present: Mr. Vivek K. Thakur, Advocate,
for the petitioner.

Mr. V.G. Jauhar, Sr. DAG, Punjab.

SUDIP AHLUWALIA J. (ORAL)

Earlier the petitioner, who is a woman had been ordered to be released on interim bail till today in view of the fact that no Chemical Analysis Report had been received till then and that she had to look after her children since her husband is also in detention.

[2]. The Chemical Analysis Report has since been received. It has been asserted by Ld. counsel for the petitioner that even if the FIR is to be accepted on its face value still no conscious possession of the petitioner can be established since admittedly the car from which the contraband was seized belongs to her husband and she was only sitting therein as a passenger.

[3]. The above submission cannot be treated as tenable in view of the recent decision of the Hon'ble Supreme Court in “**Dilbagh Singh Vs. State of Punjab**”, 2017 (1) RCR (Criminal) 88, wherein it was held that

“Contraband recovered from a car while the same was being driven by one

of the accused persons in the company of the other, it authenticates the charge of their conscious possession.”

[4]. In the given facts and circumstances, considering the quantity of contraband which is twice the commercial limit, this court does not find any reason to extend the petitioner's interim bail which is accordingly cancelled and the prayer for bail at this stage is rejected.

[5]. Disposed off.

26.09.2017

Bhumika

**(SUDIP AHLUWALIA)
JUDGE**

1. Whether speaking/reasoned: Yes

2. Whether reportable: No