

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

CRM-M-34529 of 2018.

Decided on:-August 21, 2018.

Mandeep Kaur.

.....Petitioner.

Versus

State of Punjab.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA.

Present:- Mr. Ashish Aggarwal, Advocate
for the petitioner.

HARI PAL VERMA, J.

Prayer in this petition filed under Section 438 Cr.PC is for grant of anticipatory bail to the petitioner in FIR No.19 dated 29.06.2018 under Sections 22 and 29 of the Narcotic Drugs and Psychotropic Substances Act, 1985 registered at Police Station Kacha Pacca, District Tarn Taran.

As per the FIR, the police party while patrolling reached the canal bridge which led to link road village Baika, little ahead from village Bhaini Gurmukh Singh, it was noticed that a Sikh person carrying a polythene bag in his right hand was standing near the road. On seeing the police vehicle, he laid down the polythene bag carrying in his hand and moved forward towards Kacha passage. The police party stopped their vehicle and with the help of companions, the accused was nabbed. On asking, he disclosed his name as Salwinder Singh alias Chinda. Before checking the polythene bag,

efforts were made to join a public witness, but the police party could not find any public witness. However, when the polythene bag was picked up and checked, 1025 intoxicating tablets of white colour in loose form without any label were recovered. The accused could not produce any bill or permit and told that his son Angrej Singh and his wife Mandeep Kaur (petitioner herein) brought these tablets from somewhere and used to give them to Salwinder Singh for further delivery. Earlier also, Salwinder Singh used to deliver tablets on asking of his son Angrej Singh and used to give the cash amount to his daughter-in-law i.e. petitioner Mandeep Kaur.

Learned counsel for the petitioner has argued that the petitioner has been named only on the basis of statement of co-accused Salwinder Singh. The petitioner is an innocent household lady, who has no previous criminal record. She has been dragged in the case along with other family members at the instance of local police. The petitioner was neither present at the spot, where the alleged recovery of intoxicating tablets was effected nor it is the case of the prosecution that the petitioner succeeded to escape from the place of occurrence. On the alleged date of occurrence i.e. 29.06.2018, the petitioner was not even present in her matrimonial home, rather, she along with her minor children had gone to her parental home at village Jasraur, Tehsil Ajnala, District Amritsar and this fact was corroborated by the Panchayat of village Jasraur.

On the other hand, learned State counsel, on instructions of HC Dilbhag Singh, has argued that the recovery of 1025 intoxicating tablets was effected from co-accused Salwinder Singh, who made a categorical statement

against his own son Angrej Singh and daughter-in-law i.e. the petitioner used to arrange the contraband for its onward delivery through Salwinder Singh.

I have heard learned counsel for the parties.

The plea raised by the petitioner that she was not present at the place of occurrence when the police party arrested Salwinder Singh, cannot be accepted as the case of the prosecution is that it is at the behest of the petitioner and her husband Angrej Singh, accused Salwinder Singh used to deliver the contraband at the directed places. The stand taken by the petitioner that on 29.06.2018, she was not present even at her matrimonial home as she along with her children had gone to her parental home at village Jasraur, is a plea of *alibi* and cannot be accepted at this stage as the petitioner is allegedly involved in smuggling of intoxicating material and drugs, which is a serious offence and is affecting the society at large.

Therefore, this Court finds that no ground for grant of anticipatory bail is made out and the present petition, being devoid of any merit, is dismissed.

The observations made hereinabove shall not be construed as an expression of opinion on the merits of the case.

August 21, 2018
Yag Dutt

(HARI PAL VERMA)
JUDGE

Whether speaking/reasoned: Yes

Whether Reportable: No