

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

209

CRM-M-5444-2018

Date of Decision: March 28, 2018

Kaushalya Bai @ Kaushalya

.....Petitioner

versus

State of Punjab

.....Respondent

CORAM: HON'BLE MR.JUSTICE SUDHIR MITTAL

Present: Mr. Raj Kumar Gupta, Advocate for the petitioner.

Mr. Amandeep Singh Gill, Sr. DAG, Punjab.

Sudhir Mittal, J. (Oral)

The petitioner seeks grant of regular bail in case FIR No.161, dated 29.09.2017, registered at Police Station Sadar Patti, under sections 21/25/29 of NDPS Act, 1985; Section 25 of Arms Act, 1959 and sections 307, 353, 323, 186 IPC (added later on).

2. Learned counsel for the petitioner submits that the petitioner was not apprehended at the spot nor any recovery has been effected from her. She is being implicated by her progeny, who are criminals. She cannot be made vicariously liable for the illegal acts of her children and therefore, she is entitled to grant of regular bail. Reliance has also placed upon order dated 23.03.2018, passed in **CRM-M-11508-2018**, whereby one Shinder Singh (co-accused in present FIR) has been granted bail. It is submitted that Shinder Singh is nephew of the petitioner.

3 Custody certificate, dated 28.03.2018, issued by Sh. Rajiv Kumar Arora, Deputy Superintendent, Central Jail, Amritsar, has been filed in Court today and the same is taken on record. According to this certificate, the petitioner has undergone custody of five months and twenty days. She is also an accused in another FIR No.

23, dated 26.10.2017, under the NDPS Act, 1985 and FIR No.210/17, under section 307 IPC.

4. Learned State counsel submits that the entire family including sons and daughters are involved in the drug trade. The daughter was arrested for possession of *heroine* on 26.10.2017 and FIR No.23 was registered against her. On her statement, the petitioner was also named in the said FIR. The sons are already in judicial custody on account of conviction for possession of 25 kilograms of *heroine*. There are two houses owned by the family, one in the name of the petitioner and the other in the name of her daughter. Thus, it is not safe to release the petitioner on bail as she is likely to indulge in drug trade on being released on bail.

5. From the submissions made hereinabove by the learned counsel for the parties, it becomes clear that the petitioner is heavily involved in the trading of drugs and arms. The submission that no recovery has been effected from her or that she cannot be made vicariously liable for the illegal acts of her children, cannot be accepted because the children have implicated her and she has to suffer the consequences thereof. It is not in dispute that there is a house in the name of the petitioner and another in the name of her daughter and it appears that the same have been purchased from drug money as no other source of income has been brought to the notice of the Court.

7. Keeping in view the totality of the facts and circumstances of this case, the petitioner is not entitled to be released on regular bail.

8. The petition is accordingly dismissed.

March 28, 2018
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[SUDHIR MITTAL]
JUDGE

Whether speaking/reasoned :	Yes
Whether Reportable :	No