

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

**CRM-M No.14811 of 2017 (O&M)
Date of Decision: 18.01.2019**

Kuljit Kaur and others

..... Petitioners

Versus

State of Punjab and others

..... Respondents

CORAM: HON'BLE MR. JUSTICE MAHABIR SINGH SINDHU

Present: None for the petitioners.

Mr. C.L.Pawar, Senior Deputy Advocate General, Punjab.

MAHABIR SINGH SINDHU, J. (Oral)

Present petition under Section 482 Cr.P.C. has been filed for issuance of directions to respondent Nos.2 & 3 not to harass the petitioners in any manner.

In response to the notice of motion, issued by this Court, reply by way of affidavit dated 09/10.11.2017 of Sh. Sukhwinder Singh, PPS, DSP, Sub Division, Hoshiarpur on behalf of respondent Nos.1 to 3 has been filed and preliminary objection No.1 of the same reads as under:-

“ That FIR No.43 dated 26.03.2007, under Section 22-61-85, NDPS Act was registered at PS Sadar, Hoshiarpur, against Nardev Singh, husband of the petitioner No.1 and father of the petitioner No.2 and 3 and Sanjiv Kumar @ Shiba son of Surinder Pal, on recovery of 360 gram intoxicated powder from Nardev Singh and on recovery of 30 gram intoxicated powder from said Sanjiv Kumar. The police of PS Sadar, Hoshiarpur is conducting investigation in above said case. Chemical Reports from Forensic Science Laboratory, Punjab,

Mohali have been received and as per Chemical Reports, Diacatylmorphing (Heroin) was found. After completion of investigation, the challan has been presented in the court of Sh. N.S.Gill, Learned Special Judge, Hoshiarpur on 22-9-2017. The charge has been framed by the Ld. Trial Court on 24-10-2017 and now the case is fixed for prosecution witnesses for 29-11-2017. The matter is subjudice and as such the present petition is not maintainable and is liable to be dismissed. ”

Still further, paragraph 15 of the affidavit discloses that there is no threat to the petitioners at the instances of respondent Nos.4 & 6 and in view of the fact that challan has already been presented and the case is going for prosecution evidence against the husband of petitioner No.1, there is no occasion even to call the petitioners to the Police Station.

Learned State Counsel, on instructions from the police official present in the Court, has stated that out of 10 prosecution witnesses, 02 have been examined and the case is fixed for 07.02.2019 for prosecution evidence.

In view of above, no further directions are required to be issued in the present case.

Consequently, the present petition is disposed off.

January 18, 2019

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(MAHABIR SINGH SINDHU)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	No