

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

**CRM-M-21936-2019
Date of decision: 23.10.2019**

Kamaljeet Kaur

...Petitioner

Versus

State of Punjab

...Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present:- Mr. A. S. Barnala, Advocate
for the petitioner.

Mr. Jagmohan Ghuman, DAG, Punjab.

ARVIND SINGH SANGWAN, J. (Oral)

This petition has been filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the petitioner in case FIR No. 73 dated 31.07.2018, registered under Section 15 of the Narcotic Drugs & Psychotropic Substances Act, 1985 at Police Station Ajitwal, District Moga.

Learned counsel for the petitioner submits that the petitioner is an unmarried lady and has been implicated in the present case on account of the fact that his brother Pritpal Singh is the owner of the car from which, the police has allegedly recovered 58 Kgs. of poppy husk.

Learned counsel for the petitioner further submits that as per the allegations in the FIR, the police, on receiving a secret information that Santokh Singh, Pritpal Singh, Seepa and petitioner Kamaljeet Kaur are involved in the business of selling poppy husk, sent a *ruqa* to the police station and thereafter, joined one Jugraj Singh, Ex. Sarpanch as an independent witness and conducted a raid on the house of Santokh Singh,

who is the father of the petitioner, and found an Alto car, bearing registration No. PB-13-AE-5497, parked in the house. On the rear seat of the said car, three plastic bags were lying from which, 58 Kgs. of poppy husk were recovered.

Learned counsel for the petitioner further submits that the petitioner is neither the registered owner of the said car nor the owner of the house and has been implicated in the present case only on account of the fact that his brother Pritpal Singh and father Santokh Singh are the co-accused and in two other FIRs, she is already on bail.

Learned counsel for the petitioner has argued that prosecution has recorded the statement of two witnesses, wherein, PW-1 Jugraj Singh has stated that he was neither joined as an independent witness by the police party nor any recovery was effected in his presence, consequently, he was declared hostile. During the cross-examination, this witness stated that it is wrong to suggest that all the accused persons managed to escape from the spot.

Learned counsel for the petitioner has referred to cross-examination of PW-2/ASI Sulkhan Singh, wherein he has stated that he did not identify the accused persons present in Court.

Learned State counsel, on instructions from ASI Tarsem Singh, has not disputed the factual position as stated in the FIR and in the statement of aforesaid PW-1 and PW-2.

I have heard learned counsel for the parties.

Without commenting upon the merits of the case, considering the aforesaid submissions of learned counsel for the petitioner, the instant petition is allowed. The petitioner is ordered to be released on regular bail

on her furnishing bail/surety bonds to the satisfaction of the trial Court/Duty Magistrate concerned.

23.10.2019
Waseem Ansari

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No