

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

CRR No.1116 of 2015 (O&M)
DATE OF DECISION : 21st JANUARY, 2019

State of Punjab

.... Petitioner

Versus

Reet Sidhu and another

.... Respondents

CORAM :

**HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE A. B. CHAUDHARI, JUDGE**

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Present : Mr. H. S. Grewal, Additional Advocate General, Punjab.

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A. B. CHAUDHARI, J.

CRM-10181-2015

For reasons mentioned in the application, which is accompanied by affidavit, delay of 118 days in filing the revision petition is condoned.

CRR No.1116 of 2015

The State of Punjab has come up in the present revision petition against order dated 16.08.2014 passed by learned Special Judge, Fatehgarh Sahib by which he discharged Reet Sidhu and Inderjit Singh and framed charges against the remaining accused persons in Sessions Case No.28 of 17.06.2013.

In support of the revision petition the learned counsel for the State submitted that the trial Court committed an error in discharging accused Reet Sindhu and Inderjit Singh who were closely related to other main accused persons and secondly the house in question was owned by them. He submitted that the trial Court found that there was material against all the remaining accused persons for framing the charges except

Reet Sidhu and Inderjit Singh as there is no evidence against them. Learned State counsel submitted that the said two accused being closely related and Reet Sidhu being owner of house, they have been wrongly discharged by the trial Court.

With the assistance of learned counsel for the State we have gone through the impugned order and reasons recorded by the trial Court and we have seen the record and proceedings.

At the outset, we find that the main accused Sarabjit Singh is the husband of Reet Sidhu. He is declared proclaimed offender. Recovery of contraband was made from his house. Thus merely because she is the wife of main accused, she could not be charged. The other evidence is that the house in question was owned by Reet Sidhu. Inderjit Singh is only a relative. It is not in dispute that according to the prosecution it was Sarabjit Singh the main accused who is now a proclaimed offender, was alleged to have been dealing with drugs and that there was a recovery of 5 Kg. 600 gms opium and 1 kg intoxicant powder from the house. The prosecution does not allege any specific attribution to Reet Sidhu and Inderjit Singh. The law, however, requires conscious possession and therefore, merely because they are the owners and Sarabjit Singh is alleged to have been undertaking the activity of sale of drugs etc., we do not think that Reet Sidhu wife of Sarabjit Singh and Inderjit Singh could be attributed any role only because they are related to him in the absence of any tangible evidence.

In that view of the matter, we do not find any reason to tinker with the impugned order discharging them. Hence, we make the following order:

ORDER

- (i) The CRR No.1116 of 2015 is dismissed.

(KRISHNA MURARI)
CHIEF JUSTICE

(A. B. CHAUDHARI)
JUDGE

21st JANUARY, 2019
‘raj’

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>