IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH.

102+216 CRM-M-33417 of 2019 (O&M)
Date of decision:26.11.2019

Suman Rani ... Petitioner

versus

State of Haryana ... Respondent

CORAM: HON'BLE MR. JUSTICE AMOL RATTAN SINGH.

Present: Mr.Aditya Sanghi, Advocate,
for the petitioner
Mr.Surender Singh, AAG, Haryana
...

AMOL RATTAN SINGH, J. (Oral)

Pursuant to the order dated 17.10.2019, today, Mr.Sanghi, learned counsel for the petitioner, has filed CRM-36742 of 2019, seeking to place on record the bank account statements of the applicant-petitioner as Annexure P-4, as also her income tax return for the assessment year 2019-20 as Annexure P-5.

He submits that very obviously the petitioner is carrying on a business (actually he submits three businesses), from which she was earning money and therefore even the small amounts of money deposited on 24.7.2019 in her account by two different persons, i.e. Bajrang and Arju Yadav (as stated in the affidavit of the SSP, Sirsa), were in connection with such businesses.

However, it is seen that even in the income tax return, no specific business has been mentioned, and as per the affidavit filed in Court today by learned State counsel, of the Deputy Superintendent of Police, Sirsa (a copy of which has been given to learned counsel for the petitioner), she initially disclosed that she was running a boutique, but failed to produce any documents relating to the boutique, with not even a visiting card showing the name of the boutique produced.

She also failed to produce any rent note or disclose the name of any person from whom she had taken any shop on rent to run the boutique, in Ward no.2, Ellenabad.

She also failed to disclose any members of the "*Kitty* business" that she was running, then stating that she would produce that material before this Court.

Further, it was found that the mobile number being used by her (as given by her) was in the name of one Mukesh, son of Vijay Kumar, who, as per the investigating agency, is presently the husband of the petitioner, which was the mobile phone from which a phone call was found to have been made to one of the two persons from whom heroin is stated to have been recovered, i.e. Monu, at 3:38:11 am on 23.7.2019.

Mr.Sanghi submits that the said phone call also cannot connect the petitioner to the recovery of any heroin from the aforesaid Monu (or his accomplice Sonu), in view of the fact that the FIR itself shows that the occurrence took place at 10.30 pm (22:30 hours) on 23.7.2019, which would be obviously about 21 hours later.

Having considered that argument also, however, in view of the fact that no legal business being run by the petitioner has been disclosed even from her income tax return, as is sought to be placed on record, and the specific case of the investigating agency being that the small amounts of money (totalling Rs.70,000/-) were deposited on 24.7.2019 in the petitioners' account by the aforementioned Bajrang and Arju Yadav, on account of the fact that the petitioners' son Harish had given them the money so as not to connect the deposits to those who had paid for the contraband (as per the case of the investigating agency), and further, that even the petitioners' son is shown to have made some deposit as per the investigating agency, I see no reason to continue with this petition, which is consequently dismissed, with the interim order dated 26.8.2019 vacated.

However, nothing observed herein above shall be taken to be a comment on the merits of the case for or against the petitioner, which would be dependent wholly upon the evidence gathered by the investigating agency and led before the trial Court.

26.11.2019 **(AMOL RATTAN SINGH)**
pk **JUDGE**

Whether speaking/reasoned Yes/No
Whether Reportable Yes/No